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(Subject/Agency index at back of issue) This issue contains documents officially filed not later than February 16, 1983

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DENNIS W. COOPER Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) Proposed rules are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) Adopted rules have been permanently adopted and are set forth in ten point type.
- (c) Emergency rules have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) <u>underlined matter</u> is new matter;
 - (ii) deleted matter is ((lined out and bracketed between double parentheses));
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1983
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY
ACTION

Issue No.	,	Closing Dates①		Distribution Date	First Agency <u>Action Date</u>
155ue 140.	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS@ or 10 p. max. Non-OTS		
For Inclusion—	Fil	e no later than—		Count 20 days from—	For hearing/adoption on or after
83-01	Nov 24	Dec 8	Dec 22, 1982	Jan 5, 1983	Jan 25
83-02	Dec 8	Dec 22, 1982	Jan 5, 1983	Jan 19	Feb 8
83-03	Dec 22, 1982	Jan 5, 1983	Jan 19	Feb 2	Feb 22
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83-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
83-07	Feb 23	Mar 9	Mar 23	Apr 6	Apr 26
83-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
83-09	Mar 23	Apr 6	Apr 20	May 4	May 24
83-10	Apr 6	Apr 20	May 4	May 18	Jun 7
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83-12	May 4	May 18	Jun 1	Jun 15	Jul 5
83-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
83-14	Jun 8	Jun 22	Jul 6	Jul 20	Aug 9
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83-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
83-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
83-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1984

①All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

②A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

[©]"No preceeding may be held on any rule until twenty days have passed from distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 83-04-042 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 1941-Filed February 1, 1983]

- I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.
- I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to comply with the Food Stamp Act Amendments of 1982 (P.L. 97-253).

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 1, 1983.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1713, filed 11/4/81)

WAC 388-54-615 APPLICATION AND PAR-TICIPATION—APPLICATIONS PROCESSED BY THE SOCIAL SECURITY ADMINISTRATION DISTRICT OFFICES (SSADO). (1) The department shall complete the certification of applications for food stamps processed by SSADO without requiring additional personal interviews with the SSI household to present verification.

- (2) The department shall not initiate personal contact with the SSI household whose food stamp application is processed by SSADO unless the application is improperly completed, mandatory verification is missing or certain information on the form is questionable. In no event shall an SSI household be required to appear to finalize an eligibility determination on such an application.
- (3) The department shall prescreen all SSI/SSADO processed food stamp applications for expedited services on the day the application is received at the correct CSO.
 - (4) The department shall:
- (a) Begin the ((three)) five—day time limit for expedited services on the date the correct CSO receives the application;
- (b) Complete the certification of the SSI household application no later than thirty days after the date a completed application is filed at SSADO.

- (5) The department shall reassess those households for work registration eligibility if their pending SSI financial application is rejected by SSA.
- (6) Effective October 5, 1981, the department shall complete recertification of pure SSI households when such has been requested in a timely manner through, and transmitted by SSADO. The department shall inform any food stamp household consisting only of SSI-eligible members that recertification may be requested through SSADO. Subsection (2) of this section applies to the recertification process.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-630 APPLICATION AND PAR-TICIPATION—VERIFICATION. (1) Mandatory verifications shall include:

- (a) Gross nonexempt income. Where verification is not possible because either the person or organization providing the income has failed to cooperate or is unavailable, the department shall determine the amount to be used for certification purposes based on the best available information.
- (b) Alien status. The department shall verify the alien status of those household members identified as aliens on the application by the use of INS documents, court orders or other appropriate documentations in possession of the household member. The following applies:
- (i) The alien may contact INS to obtain the necessary verification.
- (ii) If the alien does not wish to contact INS, the household shall be given the option of withdrawing the application or participating without the alien member.
- (iii) If an alien is unable to provide INS documents, the department has no responsibility to offer to contact INS on the alien's behalf. The department's responsibility exists only when the alien has an INS document that does not clearly establish eligible or ineligible alien status. The department shall not contact INS to obtain information about the alien's correct status without the alien's written consent.
- (iv) While awaiting acceptable verification, the alien whose status is questionable shall be ineligible. The income and resources of the ineligible alien shall be treated in the same manner as a disqualified individual as found in WAC 388-54-830.
- (c) <u>A social security number (SSN)</u> for each household member ((cighteen years and over and children receiving countable income)) (effective ((June 1, 1980)) February 1, 1983).
- (i) Certification shall not be delayed solely for the verification of SSNs, even if the thirty-day processing period has not expired.
- (ii) A verified SSN shall be reverified only if the SSN or the identity of the individual becomes questionable.
- (iii) If verification of SSN is not completed at initial certification, it shall be completed ((at the time of or prior to the household's recertification)) by the end of the first full month of benefits.
- (iv) If verification is not completed ((within ninety days of initial certification)) by the end of the first full month of benefits, only the individual whose SSN is not

verified shall be disqualified if he or she is unable to show "good cause" for failure to acquire or apply for the SSN. (See WAC 388-54-687).

- (d) Identity. The department shall verify the identity of the person making the application. When an authorized representative applies for a household, the identity of the authorized representative and the head of household shall be verified.
- (e) Residency. The residency requirements in WAC 388-54-685 shall be verified except in unusual cases (such as migrant households or households newly arrived in the area) where verification of residency cannot reasonably be accomplished.
- (f) Continuing shelter expenses. Shelter costs, other than utilities, shall be verified if allowing the expense could potentially result in a deduction. Verification will be on a one-time basis unless the household has moved, reported an increase in cost which would affect the level of the deduction (only the changed cost shall be verified) or unless questionable.
- (g) Utility expenses. The department shall verify utility expenses:
- (i) If the household is entitled to the utility standard (((one qualifying utility)) heating or cooling costs shall be verified on a one-time basis unless the household has moved, changed its utilities or the information is questionable), or
- (ii) If the household wishes to claim expenses in excess of the utility standard and the expense would actually result in a deduction.
- (iii) ((The utility standard shall be used if the utility expense cannot be verified in the thirty-day application period.
- (iv))) Utility expenses claimed for an unoccupied home will be the actual expenses incurred.
- (2) If a deductible expense which a household is entitled to claim (shelter cost, utilities, medical) cannot be verified within thirty days of the date of application, the department shall determine the household's eligibility and benefit level without providing a deduction of the claimed but unverified expense.
- (3) The following need not be verified unless inconsistent with other information on the application, previous applications((7)) or other documented information known to the department.
- (a) Resource information or the exempt status of income.
- (b) Nonfinancial information such as household composition, ((tax dependency,)) deductible expenses, liquid resources and loans, and citizenship.
- If it is necessary to verify a loan, a simple statement signed by both parties to the loan shall be sufficient.
 - (4) The following sources of verification shall be used:
- (a) Documentary evidence shall be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Whenever documentary evidence cannot be obtained, the department shall use alternate sources of verifications such as:
- (i) Collateral contacts. A collateral contact is a verbal confirmation of a household's circumstances by a person

- outside of the household. This contact may be made either in person or over the phone with any individual who can provide an accurate third-party verification of the household's statements.
- (ii) Home visits shall be made only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household.
- (b) Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.
- (5) The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. If it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner, the department shall offer assistance in obtaining this evidence. Designation of a collateral contact is also the responsibility of the household.
- (6) At recertification, a change in income or source of income, medical expenses or actual utility expenses claimed, in an amount over twenty-five dollars, shall be verified.
- (a) All other changes shall be subject to the same verification procedures as apply at initial certification.
- (b) Unchanged information shall not be verified unless questionable.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-640 APPLICATION AND PARTICIPATION—OPPORTUNITY TO PARTICIPATE. (1) An eligible household shall be provided an opportunity to participate as soon as possible but not later than thirty days after the application was filed. An application is considered filed the day the department receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative.

- (((2) For a household subject to and found eligible under the one hundred thirty percent gross income test; the department shall:
- (a) Certify into suspended status that household determined to receive zero prorated allotment during the initial month of eligibility, but determined to receive an allotment in the subsequent month(s); the household shall be converted to participant status the month the allotment is received;
- (b) deny a household whose allotment is determined to be zero for the initial and subsequent month;
- (c) not refer a household in suspended status for work registration and job search until that household is converted to participant status.
- (3))) (2) An opportunity to participate consists of providing households with ((an Authorization to Purchase (ATP))) a Food Coupon Authorization (FCA) card or other authorization and having an issuance facility open and available for the household to obtain its allotment.
- (((4))) (3) Households that are found to be ineligible shall be sent a notice of denial as soon as possible but

not later than thirty days following the date the application was filed.

- $((\frac{(5)}{(5)}))$ (4) If the department does not determine a household's eligibility and provide an opportunity to participate within thirty days of the application, the department shall take the following action:
- (a) Determine whether the delay was the fault of the household. A delay shall be considered the fault of the household if:
- (i) The household has failed to complete the application form even though the department offered((;)) or attempted to offer assistance in its completion, and this assistance is documented;
- (ii) One or more members of the household has failed to register for work and the department informed the household of the need to register and gave the household at least ten days from the date of notification to register these members, and the notice was documented;
- (iii) In cases where verification is incomplete, the department provided assistance when required and allowed the household sufficient time to provide the missing verification which is at least ten days from the date of the department's initial request for the particular verification that was missing, and this ten-day period was documented;
- (iv) For households that failed to appear for an interview, the department attempted to reschedule the initial interview within thirty days of the date the application
- (A) If a household failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the twentieth day but before the thirtieth day following the date the application was filed, the household must appear for the interview, bring verification. and register members for work by the thirtieth day.
- (B) If the household failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the thirtieth day following the date the application was filed, the delay shall be the fault of the household.
- (C) If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.
- (b) If the delay is the fault of the household, the household shall lose its entitlement to benefits for the month of application, and a denial notice shall be sent. However, the household shall be given an additional thirty days to take the required action.
- (((i))) After a notice of denial is sent and the household takes the required action within sixty days of the date the application was filed, the department shall reopen the case without requiring a new application.
- (c) Determine if the delay is the fault of the department.
- (((ti))) Delays that are the fault of the department include, but are not limited to, those cases where the department failed to take the action described in subsection (((5))) (4)(a) of this section.
- (d) If the delay is the fault of the department, the department shall take immediate corrective action. The department shall not deny the application but send a

notice of pending action, complete with an explanation to the household of any action it must take to complete the application process.

If the household is given an additional ((thirty days)) thirty-day period to provide verifications that were missing and the household is determined eligible in this second thirty-day period, the household shall be entitled to benefits retroactive to the ((month)) day of application.

 $((\frac{(6)}{(6)}))$ (5) In cases of delays beyond sixty days $((\cdot))$:

(a) If the department is at fault for not completing the application process by the end of the second thirtyday period and the case file is otherwise complete, the original application will be processed until completed.

(i) If the department was at fault in the first thirtyday period, the household shall receive benefits retroac-

tive to the ((month)) day of application.

- (ii) If the household was at fault in the first thirty days, the household shall receive benefits retroactive only to the month following the ((month)) day of application.
- (b) If the department is at fault for not completing the application process by the end of the second thirtyday period, but information is not complete enough to reach an eligibility determination, the case shall be denied and a notice sent.
- (i) If the department was also at fault for the delay in the initial thirty days, the amount of benefits lost would be calculated from the ((month)) day of application.
- (ii) If the household was at fault for the initial delay. the amount of benefits lost would be calculated from the month following the ((month)) day of application.
- (c) If the household is at fault for not completing the application process by the end of the second thirty-day period, the department shall deny the application and require the household to file a new application.

AMENDATORY SECTION (Amending Order 1765, filed 2/18/82)

WAC 388-54-645 APPLICATION AND PAR-TICIPATION—EXPEDITED SERVICE. The department shall screen applicants at the time of application to determine which households are eligible for expedited service.

- (1) If otherwise eligible, the following households are entitled to expedited service.
- (a) Households with liquid resources not to exceed one hundred dollars, and
- (((a))) (b) Households with ((zero net)) gross monthly income((;)) under one hundred fifty dollars, or
- (((b))) (c) ((Households)) Migrant or seasonal farmworkers who are destitute as defined in WAC 388-54-655.
 - (2) For households eligible for expedited service.
- (a) The department shall mail ((the ATP card or coupons no later than the close of business on the second working day following the date the application was filed or have the coupons)) or ((ATP)) have available for the household ((to pick up)) an FCA or food coupons no later than the ((start)) close of business on the ((third working)) fifth calendar day following the date the application was filed.

- (b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ((ATP and)) FCA or and coupons available within seven working days following the date the application was filed.
- (3) When expediting certification and issuance, the department shall:
- (a) ((Postpone the verification usually required.)) Verify the household's identity ((and residency shall be verified, however,)) through a collateral contact or readily available documentary evidence.
- (b) Make all reasonable efforts to verify within the expedited service processing standard, the household's residency, income (including a statement the household has no income), liquid resources, and all required verifications.

Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because the eligibility factors have not been verified.

- (((b))) (c) Require the applicant to register for work unless exempt or unless the household has designated an authorized representative to apply on the household's behalf, postpone work registration of other members of the household if registration cannot be accomplished within the expedited service time frames.
- (((c) Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because income has not been verified.))
- (d) ((The CSO shall)) Promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.
- (4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers (SSNs) are the only ((mandatory)) required items not verified, the household member having applied for an SSN shall be ((certified for a three-month period)) allowed to participate through the end of the first full month of benefits. Individuals required to provide SSNs for verification shall do so ((at, or prior to, recertification)) by the end of the first full month of benefits unless able to show good cause for not meeting this requirement. If good cause is established, the participant may continue to participate for an additional thirty days provided the individual has documentation indicating he or she has applied for a SSN.

If all necessary verification was postponed, the household will be certified for one month only unless the household has applied after the fifteenth of the month. Then the department shall certify the household for the month of application and the subsequent month. When ((this)) the household has provided the postponed verification, the department shall issue the subsequent month's allotment within five working days from receipt of the verification.

(a) The allotment shall not be issued past the month of application if verification which was postponed is not completed: If the postponed verification is not completed within thirty days of the date of application, the household shall be terminated and no additional allotment issued.

- (b) At the time of reapplication, the household shall complete the verification requirements which were postponed.
- (c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.
- (5) A household entitled both to expedited service and waiver of office interview shall be interviewed ((by)) and the ((first working day following the date the application was filed)) application process completed within the expedited service standards. The first day of the expedited service standard is the calendar day following application filing. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. ((Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed)) Mailing time will not be calculated in the expedited service standard. Mailing time shall include days the application is in the mail to and from the household and the days the application is in the household's possession.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-650 APPLICATION AND PAR-TICIPATION—PARTICIPATION OF PUBLIC AS-SISTANCE HOUSEHOLDS. (1) The department shall conduct a single interview at initial application for both public assistance (PA) and food stamp purposes.

- (2) Based upon a thirty-day month the department shall issue a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility, however, initial benefits less than ten dollars will not be issued.
- (3) The department shall not delay the household's food stamp benefits pending verification of the PA eligibility provided food stamp eligibility has been established.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-655 APPLICATION AND PAR-TICIPATION—DESTITUTE HOUSEHOLDS. (1) ((The following)) Migrant or seasonal farmworker households are considered destitute and eligible for expedited service under the following circumstances:

- (a) Households whose only income for the month of application was received prior to the date of application and was from a terminated source.
- (b) Households whose only income for the month of application is from a new source, if income of more than

twenty-five dollars from the new source will not be received by the tenth calendar day after the date of application.

- (((c) Households which receive income both from a terminated source prior to date of application, and from a new source after date of application if:
- (i) They receive no other income in the month of application;
- (ii) Income of more than twenty-five dollars from the new source will not be received by the tenth day after the date of application.))
- (2) Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.
 - (3) Travel advances:
- (a) Which are reimbursements of travel expenses will not affect the determination that a household is destitute.
- (b) Which by written contract are an advance on wages and will subsequently be subtracted from wages earned later:
- (i) Shall count as income in the month actually received;
- (ii) Shall not affect the determination of whether subsequent payments from the employer are from a new source of income;
- (iii) Shall not affect the determination of whether a household shall be considered destitute.
- (4) Households whose income must be averaged on an annual basis, or averaged over the period the income is intended to cover, shall have the income averaged and assigned to the appropriate months of the certification period before a determination of destitution is made.
- (5) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source.
- (a) A migrant farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief.
- (b) A migrant who travels with the same crew chief but moves from one grower to another shall be considered to have moved from a terminated income to a new source.
- (6) Households other than migrant or seasonable farmworkers shall not be classified as destitute.

AMENDATORY SECTION (Amending Order 1814, filed 5/19/82)

WAC 388-54-665 HOUSEHOLD DETERMINA-TION. (1) The following individuals or groups of individuals may make up a household provided such individuals or groups are not residents of an institution or residents of a commercial boarding house:

(a) An individual living alone.

(b) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others.

- (c) A group of individuals living together but customarily purchasing food and preparing meals together for home consumption ((separate and apart from others)).
- (d) An individual, age sixty or older, and his or her spouse not able to prepare his or her own meals because he or she suffers from a disability considered permanent under the Social Security Act or some other permanent physical or mental nondisease-related disability even though the elderly individual may be living with others. The income of other household members cannot exceed one hundred sixty-five percent of poverty level.
- (2) Separate household status shall not be granted to the following:
- (a) Children under eighteen years of age under the parental control of a member of the household;
- (b) Parents living with ((children)) their natural, adoptive or stepchildren or such children living with parents unless at least one parent is ((sixty years of age or older,)) elderly or disabled. Elderly or disabled is defined as:

(i) An individual sixty years of age or older, or

(ii) An individual receiving Supplemental Security Income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, XIV or XVI of the Social Security Act; or

(iii) A veteran with a service-connected disability rated or paid as total under Title 38 of the U.S.C. or is considered in need of regular aid and attendance or permanently housebound under such title of the code; or

- (iv) A surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the U.S.C.; or
- (v) A surviving spouse or child of a veteran and entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U.S.C. and has a disability considered permanent under Section 221(i) of the Social Security Act.
- (c) A spouse of a member of the household. Spouse refers to either of two individuals:
- (i) Defined as married to each other under applicable state law, or
- (ii) Living together and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors((;)) or trades people.
- (d) Siblings (defined as natural, adopted, half or stepbrothers and stepsisters) unless at least one sibling is elderly or disabled.
- (((d))) <u>(e)</u> A boarder as defined in WAC 388-54-665(4).
- (3) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment and are termed nonhousehold members. Nonhousehold members may, if otherwise eligible, qualify as separate households:
- (a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

- (b) Live-in attendants. Individuals residing with a household to provide medical, housekeeping, child care or other similar personal services.
- (c) Ineligible aliens. Individuals not meeting the citizenship or eligible alien status. <u>Ineligible aliens are treated as disqualified individuals.</u>
- (d) Students enrolled in an institution of higher education who are eligible because of not meeting the requirements of WAC 388-54-670.
- (e) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause.
- (f) Other individuals sharing living quarters with the household but do not customarily purchase food and prepare meals with the household.
- (4) Boarders are not eligible to participate in the program. A boarder is defined as an individual residing with the household and paying reasonable compensation to the household for lodging and meals. If an applicant household identifies any individual in the household as a boarder, the following provisions apply:
- (a) Boarder status shall not be extended to the spouse of a member of a food stamp household, children under eighteen under parental control of a member of the household, children living with parents or parents living with children, unless at least one parent is sixty years of age or older.
- (b) Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount equaling or exceeding the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount equaling or exceeding two-thirds of the thrifty food plan for the appropriate size of the boarder household.
- (5) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:
- (a) An establishment licensed as a commercial enterprise offering meals and lodging for compensation.
- (b) In project areas without licensing requirements, a boarding house is a commercial establishment offering meals and lodging for compensation with the intention of making a profit.
- (c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.
- (6) Residents of institutions. Individuals shall be considered residents of an institution when the institution provides the individual with the majority of meals as part of the institution's normal service and the institution has not been authorized to accept coupons. Residents of institutions are not eligible for participation in the program, with the following exceptions:
- (a) Residents of federally subsidized housing for the elderly, built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act;

- (b) Narcotic addicts or alcoholics residing at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program;
- (c) Disabled or blind individuals who are residents of group living arrangements and are blind or disabled and receive benefits under Title II or Title XVI of the Social Security Act. Group living arrangement is defined as a public or private nonprofit residential setting serving no more than sixteen residents and certified by appropriate state agencies;
- (d) Effective April 1, 1982, women or women with children temporarily residing in a shelter for battered women and children. "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. Such persons temporarily residing in shelters shall be considered individual household units for the purposes of applying for and participating in the program.

AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

WAC 388-54-670 STUDENT ELIGIBILITY. (1) Any person who is:

- (a) Between the ages of eighteen and sixty years; and
- (b) Physically and mentally fit; and
- (c) Enrolled at least half-time in an institution of higher education shall be ineligible to participate in the food stamp program, unless that person complies with the eligibility requirements of subsection (3) of this section.
- (2) Institution of higher education shall be any institution which normally requires a high school diploma or equivalency certificate for enrollment including, but not limited to, colleges, universities, and vocational or technical schools at the post-high school level.
- (3) In order to be eligible, any student as defined in subsection (1) of this section shall meet at least one of the following criteria:
- (a) Be employed for a minimum of twenty hours per week and be paid for such employment or if self-employed, be employed for a minimum of twenty hours per week and receive weekly earnings at least equal to the federal minimum hourly wage multiplied by twenty hours;
- (b) Participate in a federally financed work study program during the regular school year,
- (c) ((Provide more than half the support of one or more)) Be responsible for the care of a dependent household member((s or be the spouse of a person who provides more than half the support of one or more dependent household members. In determining if a household member provides more than half the support, the following applies:)) under age six;
- (((i) If the dependent is a spouse, a minor child under the control of the student or spouse, or a relative of the student or spouse, such as a parent or grandparent, and that relative has little or no income of their own, the student shall be considered as providing the support for

that person regardless of the income sources from which the student derives that support.

- (ii) In the case of other dependents, such as unrelated adults, minor children not under the parental control of the student or spouse, or related adults who have their own source of income, determine whether the student or spouse provides these individuals with half of their support during the certification period. Total support is the sum of:
 - (A) The fair rental value of lodging furnished.
- (B) All expenses paid or incurred directly by or for the dependent, such as food, clothing, medical expenses and dental care, recreation, transportation, and similar necessities.
- (C) A proportionate share of these or similar expenses that cannot be attributed directly to a particular individual, such as the cost of food bought in common for the entire household.
- (iii) To qualify for the exemption in subsection (3)(c)(i) and (ii) of this section, the student or spouse must provide from their own funds or in-kind contributions for over half of the individual's support needs regardless of the source of the funds.))
- (d) ((Be enrolled in an institution of higher education as a result of participation in the work incentive program under Title IV of the Social Security Act, as amended:)) Be responsible for the care of a dependent household member who has reached the age of six but is under age twelve where the CSO has determined adequate child care is not available;
- (e) Receiving benefits from the Aid to Families with Dependent Children program.
- (4) Enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled, drops out((5)) or does not intend to register for the next normal school term (excluding summer school).
- (5) ((Eligibility as a result of participation in the work incentive program under Title IV of the Social Security Act shall be deemed to continue as long as the student maintains continuous enrollment as specified in subsection (4) of this section.
- (6))) The income and resources of an ineligible student living with a household shall not be considered in determining eligibility or level of benefits of the household
- (((7))) (6) The remainder of the household in which the ineligible student resides shall be certified, if otherwise eligible.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

- WAC 388-54-675 WORK REGISTRATION RE-QUIREMENT. (1) Each individual between the ages of eighteen and sixty is required to register for employment prior to certification, and once every six months after initial registration, except:
- (a) A person physically or mentally unfit for employment;

- (b) A parent, or other member of the household, ((who has)) having responsibility for the care of a dependent child under twelve years of age((x, y)) or of an incapacitated person;
- If the child has ((its)) his or her twelfth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.
- (c) A parent, or other caretaker, of a child under eighteen years of age in a household where another able-bodied parent is registered for work or is exempt as a result of employment;
- (d) A person receiving unemployment compensation, or a person who has applied for, but not yet begun to receive unemployment compensation, but has registered for work as a requirement for receiving unemployment compensation;
- (e) A household member subject to and participating in the WIN program;

Household members ((who are)) required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they fail to qualify for WIN exemption under other conditions in subsection (1) of this section.

- (f) A person ((who is)) employed, or self-employed, at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty hours;
- (g) A student enrolled at least half time in any recognized school, training program or institution of higher education provided that those students have met the eligibility conditions in WAC 388-54-670;
- (h) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;
- (i) A child ((who has its)) having his or her eighteenth birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption;
- (j) A person ((who is)) complying with work requirements imposed as a participant in any refugee resettlement program including but not limited to the Indochinese refugee assistance program((5)) or the E&T program, when approved by FNS. The program must demonstrate that work registration requirements are at least equivalent to food stamp requirements, activities are monitored, and that all other household members ((who are)) not exempt are registered for work;
- (k) A migrant or seasonal farmworker ((who is)) under contract or similar agreement with an employer to begin employment within thirty days;
- (1) The department shall verify any claim for exemption ((which)) it determines to be questionable.
- (2) The department shall provide work registration forms to the applicant for each household member ((who is)) required to register for employment. Household

members are registered when a completed work registration form is submitted to the department. The department shall forward the completed form to the state employment service.

- (3) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable.
- (4) Each member required to register for employment shall also be required to:
- (a) Report for an interview to the office where he <u>or</u> she is registered upon reasonable request;
- (b) Respond to a request from the employment service office requiring supplemental information regarding employment status or availability for work,
- (c) Report to an employer to whom he or she has been referred by such office, if the potential employment is suitable;
- (d) Accept a bona fide offer of suitable employment to which he or she is referred by such office;
- (e) Continue suitable employment to which the registrant was referred by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control.
- (5) If the department finds ((that)) a household member refused or failed to comply with the work registration requirement without good cause, the household shall be ineligible for participation in the program, until the member complies, becomes exempt, or, for two months, whichever is earlier.
- (6) In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member, and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency. Problems caused by inability of the work registrant to speak or write English could constitute good cause.
 - (7) Employment will be considered unsuitable if:
- (a) The wages offered are less than the highest amount of the standard following:
 - (i) The applicable state or federal minimum wage,
 - (ii) Eighty percent of the federal minimum wage.
- (b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (7)(a) of this section;
- (c) The registrant, as a condition of employment((z, z)) or continuing employment, is required to join, resign from((z, z)) or refrain from joining any legitimate labor organization; or
- (d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act) or unless an injunction has been issued under Section 10 of the Railway Labor Act.

- (8) Employment shall be considered suitable unless the household member can demonstrate((;)) or the department otherwise becomes aware that:
- (a) The degree of risk to the registrant's health and safety is unreasonable.
- (b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources.
- (c) The employment offered is outside the registrant's major field of experience unless, after a period of thirty days following registration, job opportunities in his or her major field have not been offered.
- (d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting.
- (e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours((5)) or if the place of employment is too far to walk to and neither private nor public transportation is available to the client.
- (f) The working hours or nature of the employment interferes with the member's religious observances, convictions ((5)) or beliefs.
- (g) In the case of students, the employment is offered during class hours or is more than twenty hours a week.
- (9) ((No household shall be denied participation solely on the grounds that a member of the household is not working because of a strike at his or her place of employment unless the strike has been enjoined under paragraph 208 of the labor-management relations act (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under section 10 of the railway labor act. Households with members involved in a strike or concerted work stoppage by employees including any stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or interruption of operation by employees shall be ineligible to participate in the food stamp program unless the household was eligible prior to the strike. However, such households shall not receive an increased allotment as a result of a decrease in the income of the striking member or members of the household. That member's monthly income attributable to the job on which the strike occurred shall be deemed to remain the same as if he/she were still working)) Households with striking members shall be ineligible to participate in the food stamp program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.

A striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout, however, shall not be deemed to be a striker. Further, an individual who goes on strike who is exempt from work registration the day prior to the strike, other than those exempt solely on

the grounds they are employed, shall not be deemed to be a striker.

- (a) Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.
- (b) Eligibility at the time of application shall be determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application.
- (c) To determine benefits, deductions shall be calculated for the month of application as for any other household.
- (d) Whether the striker's prestrike earnings are used or his or her current income is used, the earnings deduction shall be allowed if appropriate. Strikers whose households are eligible shall be subject to the work registration requirements unless exempt.
- (10) At the end of the two-month disqualification period, a household may apply to ((reestablish)) re-establish eligibility. Eligibility may be ((reestablished)) re-established during the disqualification period if the reason for disqualification is corrected.
- (11) A registrant ((who moves)) moving out of the jurisdiction of the department of employment security (DES) office with which ((he/she)) he or she is registered must reregister at ((his/her)) his or her new location.
- (12) Persons losing exemption status due to any change of circumstance:
- (a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;
- (b) Not subject to reporting requirements shall register for employment at the household's next recertification.
- (13) The household shall be held liable for any overissuances which result from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 1529, filed 8/6/80)

- WAC 388-54-687 SOCIAL SECURITY NUM-BER (SSN). (1) As a condition of eligibility, each household member ((eighteen years and over and any child receiving countable income)) shall be required to:
- (a) Provide a social security number((5)) (SSN). An individual having more than one SSN must provide ((each)) all numbers; or
- (b) Apply for a social security number if it is unknown or has not been issued.

Any household member who must apply to SSA for the required SSN shall be eligible to participate for ((ninety)) thirty days from the ((initial certification)) first day of the first full month of participation while waiting for the issuance of an SSN.

- (2) An individual required to provide an SSN shall verify that an application accompanied by the necessary documents has been filed with SSA ((in order to continue to be eligible to participate beyond the ninety day certification)) if the application is not processed within the thirty-day time period.
- (3) If good cause exists for failure to comply with the SSN requirement, the household member shall be allowed to participate for an additional thirty days.

Documentary evidence or collateral information that the household has applied for or made every effort to supply SSA with the necessary information shall be considered good cause for not complying with this requirement.

Consider information from the household member, SSA, and the CSO in determining good cause.

- If a household member has been unable to obtain documents required by SSA, the CSO staff should make every effort to assist the household member in obtaining these documents.
- (((3))) (4) An individual required to provide an SSN who cannot show good cause for failure to provide it shall be disqualified. Other household members who meet all requirements shall continue to be eligible to participate.
- (((4))) (5) A disqualified individual may become eligible upon providing the social security number ((or by verifying that an application with all necessary documents has been filed with SSA)).
- (((5))) (6) The department shall explain to applicants and participants that refusal to provide an SSN will result in disqualification of the individual for whom an SSN is not obtained.
- (((6))) (7) The department shall inform the ((applicants/recipients)) applicants or recipients where to apply for an SSN and what information will be needed. The department shall suggest that the household member ask for proof of application from SSA in the event the application is not processed within the ((ninety-day)) thirty-day time period.
- (((7) The department shall follow the procedure outlined in subsection (6) of this section for all persons who do not know if they have an SSN or are unable to find their SSN.))

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

- WAC 388-54-695 RESOURCES—EXEMPT. The following resources shall be exempt:
- (1) The home and surrounding property not separated from the home by intervening property owned by others. The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness or unhabitability due to casualty or natural disaster, if the household intends to return. Households that currently do not own a home, but own or are purchasing a lot on which the household intends to build or is building a permanent home, shall receive an exemption for the value of the lot and, if the home is partially completed, for the home.

- (2) Personal effects (clothing, jewelry, etc.), and household goods (furniture, appliances, etc.), including one burial plot per household member.
- (3) Cash value of life insurance policies and pension funds, including funds in pension plans ((with interest penalties for early withdrawals)), such as a Keogh ((or IRA as long as funds remain in the pension)) plan which involve a contractual relationship with individuals not household members.
 - (4) Vehicles as provided for in WAC 388-54-717.
- (5) Property annually producing income consistent with the fair market value, even if only used on a seasonal basis, except rental homes used by households for vacation purposes at some time during the year shall be counted as resources unless the property is producing annual income consistent with the fair market value.
- (6) Property, such as farm land, rental homes or work_related equipment, such as the tools of a tradesman or the machinery of a farmer, essential to the employment or self-employment of a household member.
- (7) Resources of nonhousehold members such as roomers, live-in attendants or ineligible aliens.
- (8) Indian lands held jointly with the tribe or land that can be sold only with the approval of the Bureau of Indian Affairs.
- (9) Resources prorated as income for self-employed persons or students.
- (10) The cash value of resources not accessible to the household, such as but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, real property and notes receivable not readily liquidated, if the household is making a good-faith effort to sell at a reasonable price and has not been sold.

Funds in a trust or transferred to a trust, and the income produced by that trust to the extent the trust is not available to the household, shall be considered inaccessible to the household if:

- (a) The trustee administering the funds is either:
- (i) A court, or institution, corporation or organization and is not under the direction or ownership of any household member,
- (ii) The individual appointed by the court who has court_imposed limitations placed on the household's use of the funds;
- (iii) The funds held in irrevocable trust are either established from the household's own funds, if the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational expenses of any person named by the household creating the trust or established from nonhousehold funds by a nonhousehold member.
- (iv) Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction or influence of a household member.
- (b) If the trust arrangement will not likely cease during the certification period; and
- (c) If no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period.

- (11) Resources excluded for food stamp purposes by express provision of federal law:
- (a) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian Claims Agreement;
- (b) Payments received by certain Indian tribal members under Public Law 94-114, Sec. 6, regarding submarginal land held in trust by the United States;
- (c) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians;
- (d) Benefits received from the women, infants and children program (WIC);
- (e) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970:
- (f) Earned income tax credits received before January 1, 1980, as a result of Public Law 95-600, the Revenue Act of 1978;
- (g) Payments received under Title IV CETA amendments of 1978 as follows: Youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs.
- (h) Payments received by the Confederated Tribe of the Yakima Indian Nation and from the Indian Claims Commission as designated under Public Law 94-433, Sec. 2
- (12) Installment contracts or agreements for the sale of land or other property producing income consistent with the fair market value, and the value of the property sold under the installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.
- (13) Any governmental payments specifically designated for restoration of a home damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended.
- (14) A payment or allowance made under any federal, state or local laws clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. Among the federal payments excluded are energy assistance payments provided through the Department of Health and Human Services' Low-Income Energy Assistance Program and the Community Services Administration's Energy Crisis Assistance and Crisis Intervention Programs.
- (15) For jointly owned resources, refer to WAC 388-54-715.
- (16) Where an exclusion applies because of use of a resource by or for a household member, the exclusion shall also apply when the resource is being used by or for an ineligible alien or disqualified person whose resources are being counted as part of the household's resources. For example, work-related equipment essential to the employment of an ineligible alien or disqualified person shall be excluded, as shall one burial plot per ineligible alien or disqualified household member.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-715 RESOURCES—NONEX-EMPT. (1) The following shall be considered as resources:

- (a) Liquid resources such as cash on hand or in checking or savings accounts, savings certificates, stocks and bonds, funds held in individual retirement accounts (IRAs), and funds held in Keogh plans which are accessible to and involve only food stamp household members.
- (b) Nonliquid resources such as real property (buildings, land, etc.) and personal property (boats, aircraft, unlicensed vehicles, etc.) which are not exempted by WAC 388-54-695.
- (c) Money received in the form of a nonrecurring lump-sum payment, including, but not limited to income tax refunds, rebates or credits, retroactive lump-sum Social Security, SSI, public assistance, railroad retirement benefits or other payment; or lump-sum insurance settlements; or refunds of rental, security or utility deposits.
- (2) The value of nonexempt resources, except for licensed vehicles as specified in WAC 388-54-717, shall be its equity value. The equity value is the fair market value less encumbrances.
- (3) Exempt moneys which are kept in a separate account, and that are not commingled in an account with nonexempt funds, shall retain their resource exemption for an unlimited period of time.
- (a) Those exempt moneys which are commingled in an account with nonexempt funds shall retain their exemption for six months from the date they are commingled.
- (b) After six months from the date of commingling, all funds in the commingled account shall be counted as a resource.
- (c) Those exempt moneys of students and self-employed households which are excluded as per WAC 388-54-695(9) and commingled in an account with nonexcluded funds shall retain their exclusion for the period of time over which they have been prorated as income.
 - (4) Vehicles as provided for in WAC 388-54-717.
- (5) Resources owned jointly by separate households shall be considered available in their entirety to each household, unless one household can demonstrate that the resource is inaccessible to that household.
- (a) If the household can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the household's resource level.
- (b) Resource shall be considered totally inaccessible to the household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply.
- (c) For the purpose of considering jointly owned resources, ineligible aliens or disqualified individuals residing with the household shall be considered household members.

- (6) Resources shall be considered inaccessible to persons residing in shelters for battered women and children if:
- (a) The resources are jointly owned by such persons and by members of their former household; and
- (b) The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former household.

AMENDATORY SECTION (Amending Order 1846, filed 7/14/82)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.

(1) ((Except as provided in subsection (2) of this section,)) Eligibility shall be determined on the basis of gross income and net food stamp income, except those households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665(2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines.

Effective July 1, 1982, Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standard
1	\$ 507
2	674
3	841
4	1,008
5	1,175
6	1,342
7	1,508
8	1,675
Each additional person	+167

(((2) Households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act,))

Effective July 1, 1982, Net Monthly Income Eligibility Standards Table

Income

Household Size	Maximum Allowable Net
1	\$ 390
2	519
3	647
4	775
5	904
6	1,032
7	1,160
8	1,289
9	1,418
10	1,547
Each additional member	+129

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly disabled refer to WAC 388-54-665(1)(d).

Effective February 1, 1983, Elderly/Disabled Separate Household Income Eligibility Standards Table

Household Size_	Maximum Gross Monthly Income Elderly/Disabled Separate Household
$ \frac{\frac{1}{2}}{\frac{3}{3}} \frac{\frac{4}{5}}{\frac{5}{6}} \frac{\frac{7}{7}}{\frac{8}{9}} \frac{\frac{9}{10}}{10} $	\$\frac{644}{856} \frac{1,067}{1,279} \frac{1,279}{1,491} \frac{1,702}{1,914}
$\frac{\frac{\frac{7}{8}}{9}}{\frac{10}{10}}$ Each additional member	$ \begin{array}{r} \hline 1,7126 \\ 2,126 \\ 2,338 \\ \hline 2,550 \\ +212 \end{array} $

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

- (1) A standard deduction of eighty-five dollars per household per month.
- (2) An earned income deduction of eighteen percent of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.
- (3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed one hundred fifteen dollars. The dependent care deduction in combination with the shelter deduction shall not exceed one hundred fifteen dollars.

- (4) Shelter costs in excess of fifty percent of the household's income after deducting standard, earned income, and dependent care deductions. The shelter deductions alone or in combination with the dependent care deduction shall not exceed one hundred fifteen dollars.
- (a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and basic service fee for one telephone (plus tax), and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

- (b) Shelter costs for a home not occupied because of employment, training away from home, illness or abandonment caused by casualty loss or natural disaster shall be allowed if:
 - (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.
- (c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.
- (d) Standardized <u>utility</u> amounts ((shall be used to compute the shelter costs for)) <u>include</u> utilities such as ((heat)) <u>heating</u> and <u>cooling costs</u>, cooking fuel, electricity <u>not used to heat or cool the residence</u>, water, garbage, sewage disposal, and telephone.

Persons in Household

Food Stamp Utility Standards

	November 1, 1982	May 1, 1983
	thru	thru
	April 30, 1983	October 31, 1983
1	\$137	\$ 87
2	148	93
3	160	97
4	170	101
5	180	109
6	191	114
7	198	119
8	205	122
9	215	127
10 or more	224	133

(e) Households which do not incur any separate utility charges ((or which are billed separately for only telephone costs, water, sewage, and garbage collection fees)) for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(f) If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.

(g) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.

- (i) The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.
- (ii) A household shall be allowed to switch ((to or from)) between actual utility costs and the utility standard once during its certification period.
- (h) The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.
- (i) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the parties which contribute to meeting the utility costs. The household shall only be permitted to use its prorated share of the standard allowance.

- (j) Households living in a public housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.
- (5) Households which contain one or more members who are sixty years of age or older, receive Supplemental Security Income (SSI), or receive social security disability payments under Title I, II, X, XIV or XVI of the Social Security Act, or is a veteran or surviving disabled spouse or surviving disabled child as defined in WAC 388-54-665(2)(b), shall be authorized((;)) effective ((January 1, 1980)) February 1, 1983:
- (a) A dependent care deduction up to one hundred fifteen dollars as specified in WAC 388-54-740(3), and
- (b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount that exceeds fifty percent of the household's monthly income after all applicable deductions have been made.
- (6) An individual who is sixty years of age or older, or receives Supplemental Security Income (SSI), or receives social security disability, or has received emergency SSI from the Social Security Administration or is a veteran or surviving disabled spouse or surviving disabled child as defined in WAC 388-54-665(2)(b), shall be authorized effective ((January 1, 1980)) February 1, 1983, a deduction for unreimbursable monthly medical expenses over thirty-five dollars.
 - (a) Allowable medical expenses are:
- (i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;
 - (ii) The cost of medical insurance;
- (iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;
- (iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;
- (v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;
- (vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;
- (vii) The cost of medical supplies, sick-room equipment (including rental) or other prescribed equipment;
- (viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;
- (ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;
- (x) Reasonable cost of transportation and lodging to obtain medical treatment or services.
 - (b) Nonallowable expenses are:

- (i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and
 - (ii) The cost of special diets.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-750 INCOME—SELF-EM-PLOYMENT. (1) A household whose primary source of income is from self-employment, including self-employed farmers, shall be certified according to this section.

Self-employment income which is received on a monthly basis but which represents a household's annual support shall normally be averaged over a twelve-month period. If, however, the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the department shall calculate the self-employment income based on anticipated earnings.

- (2) Income which represents annual income and costs of producing that income are to be computed on a yearly basis and averaged evenly over twelve months to determine eligibility even if it is received in only a short period of time.
- (a) Self-employment income which represents only a part of a household's annual support shall be averaged over the period of time the income is intended to cover.
- (b) If a household's self-employment enterprise has been in existence for less than a year, this income shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.
- (3) In determining monthly income from self-employment:
- (a) The household may choose to determine the benefit level by using either the same net income which was used to determine eligibility((;)) or by unevenly prorating the household's total net income over the period for which the household's self-employment income was averaged. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards or net monthly income eligibility standards for the household's size.
- (b) For the period of time over which self-employment income is determined, the department shall add all gross self-employment income (including capital gains), exclude the cost of producing the self-employment income and divide this income by the number of months over which the income will be averaged.
- (c) For those households whose self-employment income is not averaged but is instead calculated on an anticipated basis, the department shall add any capital gains the household anticipates receiving in the next twelve months, starting with the date the application is filed and divide this amount by twelve. This amount shall be used in successive certification periods during the next twelve months, but recalculated should anticipated capital gains amounts change. The anticipated monthly amount of capital gains shall be added to the

anticipated monthly self-employment income, and subtract the cost of producing the income. The cost of producing the self-employment income shall be calculated by anticipating the monthly allowable costs of producing the income.

- (d) The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income less the eighteen percent earned income deduction shall then be added to all other monthly income received by the household. The standard deduction, dependent care, and shelter costs shall be computed as for any other household and subtracted to determine the adjusted monthly net income of the household.
- (4) In calculating capital gains, the proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for federal income tax purposes. The department shall count the full amount of the capital gain as income for food stamp purposes even if only fifty percent of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes.
- (5) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property((;)).

(6) The following items shall not be allowed as a cost of producing self-employment income:

(a) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery, and other durable goods;

(b) Net losses from previous periods; and

- (c) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses, such as transportation to and from work, as these expenses are accounted for by the eighteen percent earned income deduction specified.
 - (d) Depreciation.
 - (7) In assigning certification periods:
- (a) Households that receive their annual support from self-employment and have no other source of income may be certified for up to twelve months;
- (b) For those households that receive other sources of income or whose self-employment income is intended to cover a period of time that is less than a year, the department shall assign a certification period appropriate for the household's circumstances;
- (c) For businesses which have been in operation for such a short time that there is insufficient data to make a reasonable projection, the household may be certified for less than a year until the business has been in operation long enough to base a longer projection.
- (d) For those self-employed households that receive their annual income in a short period of time, the initial certification period shall be assigned to bring the household into the annual cycle.

AMENDATORY SECTION (Amending Order 1922, filed 12/15/82)

WAC 388-54-760 CERTIFICATION PERI-ODS—DURATION. (1) Based upon a thirty-day month, the value of the allotment issued to an eligible household for the initial month shall be prorated from the date of application through the end of the month, except no allotment shall be issued of less than ten dollars for the initial month.

- (2) An assistance household shall be assigned a certification period which coincides with the scheduled assistance reviews so that the review of the grant and food stamp basis of issuance can be accomplished simultaneously, except:
- (a) Food stamp households where all members are subject to mandatory monthly reporting (MMR) may be certified for up to twelve months.
- (b) Households whose assistance is authorized for less than six months may be assigned certification periods to coincide with the assistance authorization.
- (3) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:
- (a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status.
- (i) A household eligible for a certification period of three months or less shall, at the time of certification, have this certification period increased by one month, if the certification process is completed after the fifteenth day of the month of application and the household's circumstances warrant the longer certification period.
- (ii) A household with one or more members on strike shall be assigned a certification period of no more than one month if the household is certified before the fifteenth day of the month; otherwise, the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.
- (b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months.
- (c) A household consisting solely of unemployable persons with very stable income from retirement, disability payments((7)) or similar sources may be certified up to twelve months, provided that other household circumstances are expected to remain stable.
- (d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection (3) (a), (b), and (c) of this section.

AMENDATORY SECTION (Amending Order 1545, filed 9/17/80)

WAC 388-54-780 RECERTIFICATION PRO-CESS. (1) If the household makes timely application, recertification shall be completed prior to the expiration of the current certification period to give members opportunity to participate in a normal issuance cycle the month following.

(2) A notice of expiration must be provided to the households except for joint PA applicant households.

- (a) Not earlier than ((15)) <u>fifteen</u> days prior to, and not later than, the first day of the household's last month of certification, for households certified over a ((multimonth)) multimonth period; or,
- (b) At the time of certification, if the household is certified for one month, or initially certified for ((2)) two months during the month after the month of application.
 - (c) The notice shall contain:
 - (i) The date the current certification ends.
- (ii) The date the household must file to réceive uninterrupted benefits.
- (iii) The household's right to request an application and have the department accept an application so long as it is signed and contains a legible name and address.
- (iv) The address of the office where the application must be filed.
- (v) The consequences of failure to comply with the notice.
- (vi) The right to file through an authorized representative or through the mail.
- (vii) The requirement to participate in a face-to-face recertification interview.
 - (viii) The right to a fair hearing.
- (d) A household provided a notice of expiration at the time of certification has ((15)) <u>fifteen</u> days from the date the notice is received to apply. All other households must apply by the ((15th)) <u>fifteenth</u> of the last month of certification to be considered timely.
- (3) A household that has applied in a timely manner and has been determined eligible shall experience no interruption in benefits.
- (a) Those provided notice at time of certification shall be notified of their status and provided an opportunity to participate not later than ((30)) thirty days after the date the household had an opportunity to obtain its last allotment.
- (b) Those applying by the ((15th)) fifteenth day of the last month of their certification period shall be approved or denied and notified of their status by the end of their current certification period and permitted to participate in their normal issuance cycle.
- (c) Those households which through department error were not recertified in time to participate in their normal issuance cycle shall be given immediate opportunity to do so even outside of the normal issuance system.
- (4) Households not able to participate in accordance with <u>subsection</u> (3) ((above)) of this section through department error shall be entitled to restoration of lost benefits if their benefits were interrupted.
- (5) A household which fails to submit a timely application for recertification or appear for a face-to-face

interview scheduled after a timely reapplication, without good cause, shall lose its right to uninterrupted benefits.

- (a) A household which refuses to cooperate in providing required information or refuses to cooperate in any subsequent review of its eligibility, including a quality control review, shall be denied((;)).
- (b) An application for recertification ((not)) submitted ((in a timely manner)) after the end of the current certification period shall be treated as an ((application for)) initial certification except that previously verified income or expenses which change by ((\$25)) twenty-five dollars or less shall not be verified if the application is received within ((30)) thirty days after the previous certification period expires.
- (6) If a household's failure to apply in a timely manner was with good cause, the department will restore to the household the lost benefits, if there was interruption of benefits. Determination of good cause shall be made on a case-by-case basis and shall include, but not be limited to, failure to receive timely notice of expiration or personal illness.

AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS. (1) Effective ((October 1, 1982)) February 1, 1983, based upon a thirty-day month, the department shall issue to households making initial application a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility except no allotment shall be issued at less than ten dollars.

(2) The department shall determine the value of the allotment a household receives (taking into consideration the requirement within subsection (1) of this section to prorate the initial month's allotment) by multiplying the household's net monthly income by thirty percent, rounding the product ((up)) down to the next whole dollar if it ends with one through ninety-nine cents, and subtract the result from the thrifty food plan for the appropriate household size. If the computation results in an allotment of one dollar, three dollars or five dollars, the amount shall be rounded up to two dollars, four dollars or six dollars, respectively.

Household Size	Effective 10/1/82 Thrifty Food Plan Amounts	
1	\$ 75	
2	139	
3	199	
4 5	253	
5	300	
6	360	
7	398	
8	455	
9	512	
10	569	
Each additional member	+57	

(3) All one- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month ((wherein a)) where no household may receive a pro rata allotment of less than ten dollars.

WSR 83-04-043 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed February 1, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning food stamps, amending chapter 388-54 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on February 1, 1983.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director Division of Administration Department of Social and Health Services Mailstop OB 33-C Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753–7015, by March 9, 1983. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, March 23, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 30, 1983.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.08.500[74.04.500] through 74.04.527.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 23, 1983.

Dated: February 1, 1983

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 388-54 WAC.

The Purpose of the Rule Change: To reduce program costs and simplify program administration.

The Reason These are Necessary: Changes in the Food Stamp Program required by USDA, Food and Nutrition Service.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: WAC 388-54-615(4)(a), three day time limit for expedited service

number verification must be completed within 30 days of the beginning of the first full months of benefits; WAC 388-54-640, removes the 130% gross income test; WAC 388-54-645, the time frame for expedited services is changed from three to five days. Only those household whose liquid resources are under \$100 and whose income does not exceed \$150 or is a destitute household can be given expedited services. Social security numbers are required for all household members. The time period has been reduced for securing a SSN; WAC 388-54-650, initial benefits of less than \$10 is eliminated; WAC 388-54-655, the definition of a destitute household is restricted to include only migrants or seasonal farmworkers; WAC 388-54-665, adds household definition of elderly/disabled; WAC 388-54-670, student eligibility requirements for support is changed to: "Be responsible for the care of a dependent household member under six" or "be responsible for the care of a dependent child who has reached age six but under twelve when adequate childcare is not available." Receiving AFDC benefits also qualifies a person as an eligible student; WAC 388-54-675, striker provisions are changed; WAC 388-54-687, each household member required to provide a social security number; WAC 388-54-695, resources now IRA and certain KEOGH plans will be counted as resources: WAC 388-54-715, resources - nonexempt added to the consideration to countable resources are IRA and KEOGH plans; WAC 388-54-730, income eligibility standards - require that all households meet net monthly income eligibility standards. Adds veterans, spouses and their children to definition of households who are not required to meet gross monthly income eligibility standards. Adds new table for incapacitated elderly who reside with another household; WAC 388-54-740, income - deductions - changes household eligibility for utility standard. The utility standard is now prorated when households share a residence and utility costs. Households living in a public housing unit which has a central utility meter are not entitled to the standard utility allowance. Adds specified veterans, their spouses and children to definition of elderly or disabled; WAC 388-54-750, income - self-employment - requires households to meet gross and net monthly income standards; WAC 388-54-760, certification period - duration - eliminates issuance of initial allotments below \$10; WAC 388-54-780, recertification process - this section is being changed so that reapplications made after the end of the current period will be treated as initial applications. As an initial application the case will be subject to prorating. The policy being replaced allowed the client to reapply within 30 days of the end of the certification period without being subject to prorating provisions; and WAC 388-54-785, initial months' issuance of \$10 will not be issued.

changes to five days; WAC 388-54-630, social security

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Duane Kerr, Jay Emry and Dana Beck, Program Managers, Division of Income Assistance, Mailstop: OB 31C, Phone: Scan 234-7137.

These rules are necessary as a result of federal law, 7 CFR Parts 271, 272, 273, and 275.

AMENDATORY SECTION (Amending Order 1713, filed 11/4/81)

WAC 388-54-615 APPLICATION AND PARTICIPATION—APPLICATIONS PROCESSED BY THE SOCIAL SECURITY ADMINISTRATION DISTRICT OFFICES (SSADO). (1) The department shall complete the certification of applications for food stamps processed by SSADO without requiring additional personal interviews with the SSI household to present verification.

(2) The department shall not initiate personal contact with the SSI household whose food stamp application is processed by SSADO unless the application is improperly completed, mandatory verification is missing or certain information on the form is questionable. In no event shall an SSI household be required to appear to finalize an eligibility determination on such an application.

(3) The department shall prescreen all SSI/SSADO processed food stamp applications for expedited services on the day the application is

received at the correct CSO. (4) The department shall:

(a) Begin the ((three)) five-day time limit for expedited services on the date the correct CSO receives the application;

(b) Complete the certification of the SSI household application no later than thirty days after the date a completed application is filed at SSADO.

(5) The department shall reassess those households for work registration eligibility if their pending SSI financial application is rejected by SSA.

(6) Effective October 5, 1981, the department shall complete recertification of pure SSI households when such has been requested in a timely manner through, and transmitted by SSADO. The department shall inform any food stamp household consisting only of SSI-eligible members that recertification may be requested through SSADO. Subsection (2) of this section applies to the recertification process.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-630 APPLICATION AND PARTICIPATION— VERIFICATION. (1) Mandatory verifications shall include:

- (a) Gross nonexempt income. Where verification is not possible because either the person or organization providing the income has failed to cooperate or is unavailable, the department shall determine the amount to be used for certification purposes based on the best available information.
- (b) Alien status. The department shall verify the alien status of those household members identified as aliens on the application by the use of INS documents, court orders or other appropriate documentations in possession of the household member. The following applies:
 - (i) The alien may contact INS to obtain the necessary verification.
- (ii) If the alien does not wish to contact INS, the household shall be given the option of withdrawing the application or participating without the alien member.
- (iii) If an alien is unable to provide INS documents, the department has no responsibility to offer to contact INS on the alien's behalf. The department's responsibility exists only when the alien has an INS document that does not clearly establish eligible or ineligible alien status. The department shall not contact INS to obtain information about the alien's correct status without the alien's written consent.
- (iv) While awaiting acceptable verification, the alien whose status is questionable shall be ineligible. The income and resources of the ineligible alien shall be treated in the same manner as a disqualified individual as found in WAC 388-54-830.
- (c) <u>A</u> social security number (SSN) for each household member ((eighteen years and over and children receiving countable income)) (effective ((June 1, 1980)) February 1, 1983).
- (i) Certification shall not be delayed solely for the verification of SSNs, even if the thirty-day processing period has not expired.
- (ii) A verified SSN shall be reverified only if the SSN or the identity of the individual becomes questionable.
- (iii) If verification of SSN is not completed at initial certification, it shall be completed ((at the time of or prior to the household's recertification)) by the end of the first full month of benefits.
- (iv) If verification is not completed ((within ninety days of initial certification)) by the end of the first full month of benefits, only the individual whose SSN is not verified shall be disqualified if he or she is unable to show "good cause" for failure to acquire or apply for the SSN. (See WAC 388-54-687).
- (d) Identity. The department shall verify the identity of the person making the application. When an authorized representative applies for

- a household, the identity of the authorized representative and the head of household shall be verified.
- (e) Residency. The residency requirements in WAC 388-54-685 shall be verified except in unusual cases (such as migrant households or households newly arrived in the area) where verification of residency cannot reasonably be accomplished.
- (f) Continuing shelter expenses. Shelter costs, other than utilities, shall be verified if allowing the expense could potentially result in a deduction. Verification will be on a one-time basis unless the household has moved, reported an increase in cost which would affect the level of the deduction (only the changed cost shall be verified) or unless questionable.
 - (g) Utility expenses. The department shall verify utility expenses:
- (i) If the household is entitled to the utility standard (((one qualifying utility)) heating or cooling costs shall be verified on a one-time basis unless the household has moved, changed its utilities or the information is questionable), or
- (ii) If the household wishes to claim expenses in excess of the utility standard and the expense would actually result in a deduction.
- (iii) ((The utility standard shall be used if the utility expense cannot be verified in the thirty-day application period.
- (iv))) Utility expenses claimed for an unoccupied home will be the actual expenses incurred.
- (2) If a deductible expense which a household is entitled to claim (shelter cost, utilities, medical) cannot be verified within thirty days of the date of application, the department shall determine the household's eligibility and benefit level without providing a deduction of the claimed but unverified expense.
- (3) The following need not be verified unless inconsistent with other information on the application, previous applications((7)) or other documented information known to the department.
 - (a) Resource information or the exempt status of income.
- (b) Nonfinancial information such as household composition, ((tax dependency,)) deductible expenses, liquid resources and loans, and citizenship.
- If it is necessary to verify a loan, a simple statement signed by both parties to the loan shall be sufficient.
 - (4) The following sources of verification shall be used:
- (a) Documentary evidence shall be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Whenever documentary evidence cannot be obtained, the department shall use alternate sources of verifications
- (i) Collateral contacts. A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. This contact may be made either in person or over the phone with any individual who can provide an accurate third-party verification of the household's statements.
- (ii) Home visits shall be made only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household.
- (b) Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.
- (5) The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. If it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner, the department shall offer assistance in obtaining this evidence. Designation of a collateral contact is also the responsibility of the household.
- (6) At recertification, a change in income or source of income, medical expenses or actual utility expenses claimed, in an amount over twenty-five dollars, shall be verified.
- (a) All other changes shall be subject to the same verification procedures as apply at initial certification.
 - (b) Unchanged information shall not be verified unless questionable.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-640 APPLICATION AND PARTICIPATION—OPPORTUNITY TO PARTICIPATE. (1) An eligible household shall be provided an opportunity to participate as soon as possible but not later than thirty days after the application was filed. An application is considered filed the day the department receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative.

(((2) For a household subject to and found eligible under the one hundred thirty percent gross income test, the department shall:

- (a) Certify into suspended status that household determined to receive zero prorated allotment during the initial month of eligibility, but determined to receive an allotment in the subsequent month(s); the household shall be converted to participant status the month the allotment is received;
- (b) deny a household whose allotment is determined to be zero for the initial and subsequent month;
- (c) not refer a household in suspended status for work registration and job search until that household is converted to participant status:
- (3)) (2) An opportunity to participate consists of providing households with ((an Authorization to Purchase (ATP))) a Food Coupon Authorization (FCA) card or other authorization and having an issuance facility open and available for the household to obtain its allotment.
- (((4+)) (3) Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than thirty days following the date the application was filed.
- (((5))) (4) If the department does not determine a household's eligibility and provide an opportunity to participate within thirty days of the application, the department shall take the following action:
- (a) Determine whether the delay was the fault of the household. A delay shall be considered the fault of the household if:
- (i) The household has failed to complete the application form even though the department offered((;)) or attempted to offer assistance in its completion, and this assistance is documented;
- (ii) One or more members of the household has failed to register for work and the department informed the household of the need to register and gave the household at least ten days from the date of notification to register these members, and the notice was documented;
- (iii) In cases where verification is incomplete, the department provided assistance when required and allowed the household sufficient time to provide the missing verification which is at least ten days from the date of the department's initial request for the particular verification that was missing, and this ten-day period was documented;
- (iv) For households that failed to appear for an interview, the department attempted to reschedule the initial interview within thirty days of the date the application was filed.
- (A) If a household failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the twentieth day but before the thirtieth day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the thirtieth day.
- (B) If the household failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the thirtieth day following the date the application was filed, the delay shall be the fault of the household.
- (C) If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.
- (b) If the delay is the fault of the household, the household shall lose its entitlement to benefits for the month of application, and a denial notice shall be sent. However, the household shall be given an additional thirty days to take the required action.
- (((fi))) After a notice of denial is sent and the household takes the required action within sixty days of the date the application was filed, the department shall reopen the case without requiring a new application.
 - (c) Determine if the delay is the fault of the department.
- (((i))) Delays that are the fault of the department include, but are not limited to, those cases where the department failed to take the action described in subsection (((5))) (4)(a) of this section.
- (d) If the delay is the fault of the department, the department shall take immediate corrective action. The department shall not deny the application but send a notice of pending action, complete with an explanation to the household of any action it must take to complete the application process.
- If the household is given an additional ((thirty days)) thirty-day period to provide verifications that were missing and the household is determined eligible in this second thirty-day period, the household shall be entitled to benefits retroactive to the ((month)) day of application.
 - (((6))) (5) In cases of delays beyond sixty days((:)):
- (a) If the department is at fault for not completing the application process by the end of the second thirty—day period and the case file is otherwise complete, the original application will be processed until completed.

- (i) If the department was at fault in the first thirty-day period, the household shall receive benefits retroactive to the ((month)) day of application.
- (ii) If the household was at fault in the first thirty days, the household shall receive benefits retroactive only to the month following the ((month)) day of application.
- (b) If the department is at fault for not completing the application process by the end of the second thirty-day period, but information is not complete enough to reach an eligibility determination, the case shall be denied and a notice sent.
- (i) If the department was also at fault for the delay in the initial thirty days, the amount of benefits lost would be calculated from the ((month)) day of application.
- (ii) If the household was at fault for the initial delay, the amount of benefits lost would be calculated from the month following the ((month)) day of application.
- (c) If the household is at fault for not completing the application process by the end of the second thirty-day period, the department shall deny the application and require the household to file a new application.

AMENDATORY SECTION (Amending Order 1765, filed 2/18/82)

WAC 388-54-645 APPLICATION AND PARTICIPATION—EXPEDITED SERVICE. The department shall screen applicants at the time of application to determine which households are eligible for expedited service.

- (1) If otherwise eligible, the following households are entitled to exnedited service.
- (a) Households with liquid resources not to exceed one hundred dollars, and
- (((a))) (b) Households with ((zero net)) gross monthly income((;)) under one hundred fifty dollars, or
- (((b))) (c) ((Households)) Migrant or seasonal farmworkers who are destitute as defined in WAC 388-54-655.
 - (2) For households eligible for expedited service.
- (a) The department shall mail ((the ATP card or coupons no later than the close of business on the second working day following the date the application was filed or have the coupons)) or ((ATP)) have available for the household ((to pick up)) an FCA or food coupons no later than the ((start)) close of business on the ((third working)) fifth calendar day following the date the application was filed.
- (b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ((ATP and)) FCA or and coupons available within seven working days following the date the application was filed.
- (3) When expediting certification and issuance, the department
- (a) ((Postpone the verification usually required.)) Verify the household's identity ((and residency shall be verified, however.)) through a collateral contact or readily available documentary evidence.
- (b) Make all reasonable efforts to verify within the expedited service processing standard, the household's residency, income (including a statement the household has no income), liquid resources, and all required verifications.

Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because the eligibility factors have not been verified.

- (((b))) (c) Require the applicant to register for work unless exempt or unless the household has designated an authorized representative to apply on the household's behalf; postpone work registration of other members of the household if registration cannot be accomplished within the expedited service time frames.
- (((c) Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because income has not been verified.))
- (d) ((The CSO shall)) Promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.
- (4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers (SSNs) are the only ((mandatory)) required items not verified, the household member having applied for an SSN shall be ((certified for a three-month period)) allowed to participate through the end of the first full month of benefits. Individuals required to provide SSNs for verification shall do so ((at, or prior to, recertification)) by the end of the first full month of benefits unless able to show good cause for

not meeting this requirement. If good cause is established, the participant may continue to participate for an additional thirty days provided the individual has documentation indicating he or she has applied for a SSN.

If all necessary verification was postponed, the household will be certified for one month only unless the household has applied after the fifteenth of the month. Then the department shall certify the household for the month of application and the subsequent month. When ((this)) the household has provided the postponed verification, the department shall issue the subsequent month's allotment within five working days from receipt of the verification.

(a) The allotment shall not be issued past the month of application if verification which was postponed is not completed. If the postponed verification is not completed within thirty days of the date of application, the household shall be terminated and no additional allotment issued.

(b) At the time of reapplication, the household shall complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed ((by)) and the ((first working day following the date the application was filed)) application process completed within the expedited service standards. The first day of the expedited service standard is the calendar day following application filing. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. ((Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed)) Mailing time will not be calculated in the expedited service standard. Mailing time shall include days the application is in the mail to and from the household and the days the application is in the household's possession.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-650 APPLICATION AND PARTICIPATION—PARTICIPATION OF PUBLIC ASSISTANCE HOUSEHOLDS. (1) The department shall conduct a single interview at initial application for both public assistance (PA) and food stamp purposes.

(2) Based upon a thirty-day month the department shall issue a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility; however, initial benefits less than ten dollars will not be issued.

(3) The department shall not delay the household's food stamp benefits pending verification of the PA eligibility provided food stamp eligibility has been established.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-655 APPLICATION AND PARTICIPATION—DESTITUTE HOUSEHOLDS. (1) ((The following)) Migrant or seasonal farmworker households are considered destitute and eligible for expedited service under the following circumstances:

(a) Households whose only income for the month of application was received prior to the date of application and was from a terminated source.

(b) Households whose only income for the month of application is from a new source, if income of more than twenty-five dollars from the new source will not be received by the tenth calendar day after the date of application.

(((c) Households which receive income both from a terminated source prior to date of application, and from a new source after date of application if:

(i) They receive no other income in the month of application;

(ii) Income of more than twenty-five dollars from the new source will not be received by the tenth day after the date of application.))

- (2) Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.
 - (3) Travel advances:

- (a) Which are reimbursements of travel expenses will not affect the determination that a household is destitute.
- (b) Which by written contract are an advance on wages and will subsequently be subtracted from wages earned later:
 - (i) Shall count as income in the month actually received;
- (ii) Shall not affect the determination of whether subsequent payments from the employer are from a new source of income;
- (iii) Shall not affect the determination of whether a household shall be considered destitute.
- (4) Households whose income must be averaged on an annual basis, or averaged over the period the income is intended to cover, shall have the income averaged and assigned to the appropriate months of the certification period before a determination of destitution is made.
- (5) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source.
- (a) A migrant farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief.
- (b) A migrant who travels with the same crew chief but moves from one grower to another shall be considered to have moved from a terminated income to a new source.
- (6) Households other than migrant or seasonable farmworkers shall not be classified as destitute.

AMENDATORY SECTION (Amending Order 1814, filed 5/19/82)

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided such individuals or groups are not residents of an institution or residents of a commercial boarding house:

(a) An individual living alone.

- (b) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others.
- (c) A group of individuals living together but customarily purchasing food and preparing meals together for home consumption ((separate and apart from others)).
- (d) An individual, age sixty or older, and his or her spouse not able to prepare his or her own meals because he or she suffers from a disability considered permanent under the Social Security Act or some other permanent physical or mental nondisease-related disability even though the elderly individual may be living with others. The income of other household members cannot exceed one hundred sixty-five percent of poverty level.
- (2) Separate household status shall not be granted to the following:
 (a) Children under eighteen years of age under the parental control

of a member of the household;

(b) Parents living with ((children)) their natural, adoptive or stepchildren or such children living with parents unless at least one parent is ((sixty years of age or older;)) elderly or disabled. Elderly or disabled is defined as:

(i) An individual sixty years of age or older; or

(ii) An individual receiving Supplemental Security Income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, XIV or XVI of the Social Security Act; or

(iii) A veteran with a service-connected disability rated or paid as total under Title 38 of the U.S.C. or is considered in need of regular aid and attendance or permanently housebound under such title of the code; or

(iv) A surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the U.S.C.; or

(v) A surviving spouse or child of a veteran and entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U.S.C. and has a disability considered permanent under Section 221(i) of the Social Security Act.

(c) A spouse of a member of the household. Spouse refers to either of two individuals:

(i) Defined as married to each other under applicable state law; or

(ii) Living together and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors((;)) or trades people.

(d) Siblings (defined as natural, adopted, half or stepbrothers and stepsisters) unless at least one sibling is elderly or disabled.

(((d))) (e) A boarder as defined in WAC 388-54-665(4).

- (3) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment and are termed nonhousehold members. Nonhousehold members may, if otherwise eligible, qualify as separate households:
- (a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.
- (b) Live-in attendants. Individuals residing with a household to provide medical, housekeeping, child care or other similar personal services.
- (c) Ineligible aliens. Individuals not meeting the citizenship or eligible alien status. Ineligible aliens are treated as disqualified individuals.
- (d) Students enrolled in an institution of higher education who are eligible because of not meeting the requirements of WAC 388-54-670.
- (e) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause.
- (f) Other individuals sharing living quarters with the household but do not customarily purchase food and prepare meals with the household.
- (4) Boarders are not eligible to participate in the program. A boarder is defined as an individual residing with the household and paying reasonable compensation to the household for lodging and meals. If an applicant household identifies any individual in the household as a boarder, the following provisions apply:
- (a) Boarder status shall not be extended to the spouse of a member of a food stamp household, children under eighteen under parental control of a member of the household, children living with parents or parents living with children, unless at least one parent is sixty years of age or older.
- (b) Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount equaling or exceeding the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount equaling or exceeding two-thirds of the thrifty food plan for the appropriate size of the boarder household.
- (5) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:
- (a) An establishment licensed as a commercial enterprise offering meals and lodging for compensation.
- (b) In project areas without licensing requirements, a boarding house is a commercial establishment offering meals and lodging for compensation with the intention of making a profit.
- (c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.
- (6) Residents of institutions. Individuals shall be considered residents of an institution when the institution provides the individual with the majority of meals as part of the institution's normal service and the institution has not been authorized to accept coupons. Residents of institutions are not eligible for participation in the program, with the following exceptions:
- (a) Residents of federally subsidized housing for the elderly, built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act;
- (b) Narcotic addicts or alcoholics residing at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program;
- (c) Disabled or blind individuals who are residents of group living arrangements and are blind or disabled and receive benefits under Title II or Title XVI of the Social Security Act. Group living arrangement is defined as a public or private nonprofit residential setting serving no more than sixteen residents and certified by appropriate state agencies;
- (d) Effective April 1, 1982, women or women with children temporarily residing in a shelter for battered women and children. "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. Such persons temporarily residing in shelters shall be considered individual household units for the purposes of applying for and participating in the program.

AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

WAC 388-54-670 STUDENT ELIGIBILITY. (1) Any person who is:

- (a) Between the ages of eighteen and sixty years; and
- (b) Physically and mentally fit; and

- (c) Enrolled at least half-time in an institution of higher education shall be ineligible to participate in the food stamp program, unless that person complies with the eligibility requirements of subsection (3) of this section.
- (2) Institution of higher education shall be any institution which normally requires a high school diploma or equivalency certificate for enrollment including, but not limited to, colleges, universities, and vocational or technical schools at the post-high school level.
- (3) In order to be eligible, any student as defined in subsection (1) of this section shall meet at least one of the following criteria:
- (a) Be employed for a minimum of twenty hours per week and be paid for such employment or if self-employed, be employed for a minimum of twenty hours per week and receive weekly earnings at least equal to the federal minimum hourly wage multiplied by twenty hours;
- (b) Participate in a federally financed work study program during the regular school year;
- (c) ((Provide more than half the support of one or more)) Be responsible for the care of a dependent household member((s or be the spouse of a person who provides more than half the support of one or more dependent household members. In determining if a household member provides more than half the support, the following applies:)) under age six;
- (((i) If the dependent is a spouse, a minor child under the control of the student or spouse, or a relative of the student or spouse, such as a parent or grandparent, and that relative has little or no income of their own, the student shall be considered as providing the support for that person regardless of the income sources from which the student derives that support:
- (ii) In the case of other dependents, such as unrelated adults, minor children not under the parental control of the student or spouse, or related adults who have their own source of income, determine whether the student or spouse provides these individuals with half of their support during the certification period. Total support is the sum of:
 - (A) The fair rental value of lodging furnished:
- (B) All expenses paid or incurred directly by or for the dependent, such as food, clothing, medical expenses and dental care; recreation, transportation, and similar necessities.
- (C) A proportionate share of these or similar expenses that cannot be attributed directly to a particular individual, such as the cost of food bought in common for the entire household:
- (iii) To qualify for the exemption in subsection (3)(e)(i) and (ii) of this section, the student or spouse must provide from their own funds or in-kind contributions for over half of the individual's support needs regardless of the source of the funds:))
- (d) ((Be enrolled in an institution of higher education as a result of participation in the work incentive program under Title IV of the Social Security Act, as amended.)) Be responsible for the care of a dependent household member who has reached the age of six but is under age twelve where the CSO has determined adequate child care is not available;
- (e) Receiving benefits from the Aid to Families with Dependent Children program.
- (4) Enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled, drops out((7)) or does not intend to register for the next normal school term (excluding summer school).
- (5) ((Eligibility as a result of participation in the work incentive program under Title IV of the Social Security Act shall be deemed to continue as long as the student maintains continuous enrollment as specified in subsection (4) of this section.
- (6))) The income and resources of an ineligible student living with a household shall not be considered in determining eligibility or level of benefits of the household.
- (((77)) (6) The remainder of the household in which the ineligible student resides shall be certified, if otherwise eligible.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-675 WORK REGISTRATION REQUIRE-MENT. (1) Each individual between the ages of eighteen and sixty is required to register for employment prior to certification, and once every six months after initial registration, except:

(a) A person physically or mentally unfit for employment;

(b) A parent, or other member of the household, ((who has)) having responsibility for the care of a dependent child under twelve years of age((5)) or of an incapacitated person;

If the child has ((its)) his or her twelfth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.

(c) A parent, or other caretaker, of a child under eighteen years of age in a household where another able-bodied parent is registered for

work or is exempt as a result of employment;

(d) A person receiving unemployment compensation, or a person who has applied for, but not yet begun to receive unemployment compensation, but has registered for work as a requirement for receiving unemployment compensation;

(e) A household member subject to and participating in the WIN

program;

Household members ((who are)) required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they fail to qualify for WIN exemption under other conditions in subsection (1) of this section.

- (f) A person ((who is)) employed, or self-employed, at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty hours;
- (g) A student enrolled at least half time in any recognized school, training program or institution of higher education provided that those students have met the eligibility conditions in WAC 388-54-670;
- (h) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;
- (i) A child ((who has its)) having his or her eighteenth birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption;
- (j) A person ((who is)) complying with work requirements imposed as a participant in any refugee resettlement program including but not limited to the Indochinese refugee assistance program((;)) or the E&T program, when approved by FNS. The program must demonstrate that work registration requirements are at least equivalent to food stamp requirements, activities are monitored, and that all other household members ((who are)) not exempt are registered for work;
- (k) A migrant or seasonal farmworker ((who is)) under contract or similar agreement with an employer to begin employment within thirty days;
- (1) The department shall verify any claim for exemption ((which)) it determines to be questionable.
- (2) The department shall provide work registration forms to the applicant for each household member ((who is)) required to register for employment. Household members are registered when a completed work registration form is submitted to the department. The department shall forward the completed form to the state employment service.
- (3) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable.
- (4) Each member required to register for employment shall also be required to:
- (a) Report for an interview to the office where he or she is registered upon reasonable request;
- (b) Respond to a request from the employment service office requiring supplemental information regarding employment status or availability for work;
- (c) Report to an employer to whom he or she has been referred by such office, if the potential employment is suitable;
- (d) Accept a bona fide offer of suitable employment to which he or she is referred by such office;
- (e) Continue suitable employment to which the registrant was referred by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control.
- (5) If the department finds ((that)) a household member refused or failed to comply with the work registration requirement without good cause, the household shall be ineligible for participation in the program, until the member complies, becomes exempt, or, for two months, whichever is earlier.
- (6) In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member, and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household

member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency. Problems caused by inability of the work registrant to speak or write English could constitute good cause.

- (7) Employment will be considered unsuitable if:
- (a) The wages offered are less than the highest amount of the standard following:
 - (i) The applicable state or federal minimum wage,
 - (ii) Eighty percent of the federal minimum wage.
- (b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (7)(a) of this section;
- (c) The registrant, as a condition of employment((;)) or continuing employment, is required to join, resign from((;)) or refrain from joining any legitimate labor organization; or
- (d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act) or unless an injunction has been issued under Section 10 of the Railway Labor Act.
- (8) Employment shall be considered suitable unless the household member can demonstrate((5)) or the department otherwise becomes aware that:
- (a) The degree of risk to the registrant's health and safety is unreasonable.
- (b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources.
- (c) The employment offered is outside the registrant's major field of experience unless, after a period of thirty days following registration, job opportunities in his or her major field have not been offered.
- (d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting.
- (e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours((7)) or if the place of employment is too far to walk to and neither private nor public transportation is available to the client.
- (f) The working hours or nature of the employment interferes with the member's religious observances, convictions((;)) or beliefs.
- (g) In the case of students, the employment is offered during class hours or is more than twenty hours a week.
- (9) ((No household-shall be denied participation solely on the grounds that a member of the household is not working because of a strike at his or her place of employment unless the strike has been enjoined under paragraph 208 of the labor-management relations act (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under section 10 of the railway labor-act. Households with members involved in a strike or concerted work stoppage by employees including any stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or interruption of operation by employees shall be incligible to participate in the food stamp program unless the household was eligible prior to the strike. However, such households shall not receive an increased allotment as a result of a decrease in the income of the striking member or members of the household. That member's monthly income attributable to the job on which the strike occurred shall be deemed to remain the same as if he/she were still working)) Households with striking members shall be ineligible to participate in the food stamp program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.

A striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout, however, shall not be deemed to be a striker. Further, an individual who goes on strike who is exempt from work registration the day prior to the strike, other than those exempt solely on the grounds they are employed, shall not be deemed to be a striker.

(a) Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.

(b) Eligibility at the time of application shall be determined by comparing the striking member's income before the strike to the

striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application.

(c) To determine benefits, deductions shall be calculated for the

month of application as for any other household.

(d) Whether the striker's prestrike earnings are used or his or her current income is used, the earnings deduction shall be allowed if appropriate. Strikers whose households are eligible shall be subject to the work registration requirements unless exempt.

(10) At the end of the two-month disqualification period, a household may apply to ((reestablish)) re-establish eligibility. Eligibility may be ((reestablished)) re-established during the disqualification pe-

riod if the reason for disqualification is corrected.

- (11) A registrant ((who moves)) moving out of the jurisdiction of the department of employment security (DES) office with which ((he/she)) he or she is registered must reregister at ((his/her)) his or her new location.
- (12) Persons losing exemption status due to any change of circumstance:
- (a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;
- (b) Not subject to reporting requirements shall register for employment at the household's next recertification.
- (13) The household shall be held liable for any overissuances which result from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 1529, filed 8/6/80)

WAC 388-54-687 SOCIAL SECURITY NUMBER (SSN). (1) As a condition of eligibility, each household member ((eighteen years and over and any child receiving countable income)) shall be required to:

(a) Provide <u>a</u> social security number((5)) (SSN). An individual having more than one SSN must provide ((each)) <u>all numbers</u>; or

(b) Apply for a social security number if it is unknown or has not been issued.

Any household member who must apply to SSA for the required SSN shall be eligible to participate for ((ninety)) thirty days from the ((nintial certification)) first day of the first full month of participation while waiting for the issuance of an SSN.

(2) An individual required to provide an SSN shall verify that an application accompanied by the necessary documents has been filed with SSA ((in order to continue to be eligible to participate beyond the ninety day certification)) if the application is not processed within the thirty-day time period.

(3) If good cause exists for failure to comply with the SSN requirement, the household member shall be allowed to participate for an ad-

ditional thirty days.

Documentary evidence or collateral information that the household has applied for or made every effort to supply SSA with the necessary information shall be considered good cause for not complying with this requirement.

Consider information from the household member, SSA, and the

CSO in determining good cause.

If a household member has been unable to obtain documents required by SSA, the CSO staff should make every effort to assist the household member in obtaining these documents.

(((3))) (4) An individual required to provide an SSN who cannot show good cause for failure to provide it shall be disqualified. Other household members who meet all requirements shall continue to be eligible to participate.

(((4))) (5) A disqualified individual may become eligible upon providing the social security number ((or by verifying that an application with all necessary documents has been filed with SSA)).

(((5))) (6) The department shall explain to applicants and participants that refusal to provide an SSN will result in disqualification of the individual for whom an SSN is not obtained.

((((6))) (7) The department shall inform the ((applicants/recipients)) <u>applicants or recipients</u> where to apply for an SSN and what information will be needed. The department shall suggest that the household member ask for proof of application from SSA in the event the application is not processed within the ((ninety-day)) thirty-day time period.

(((7) The department shall follow the procedure outlined in subsection (6) of this section for all persons who do not know if they have an SSN or are unable to find their SSN:))

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-695 RESOURCES—EXEMPT. The following resources shall be exempt:

- (1) The home and surrounding property not separated from the home by intervening property owned by others. The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness or unhabitability due to casualty or natural disaster, if the household intends to return. Households that currently do not own a home, but own or are purchasing a lot on which the household intends to build or is building a permanent home, shall receive an exemption for the value of the lot and, if the home is partially completed, for the home.
- (2) Personal effects (clothing, jewelry, etc.), and household goods (furniture, appliances, etc.), including one burial plot per household member
- (3) Cash value of life insurance policies and pension funds, including funds in pension plans ((with interest penalties for early withdrawals)), such as a Keogh ((or IRA as long as funds remain in the pension)) plan which involve a contractual relationship with individuals not household members.

(4) Vehicles as provided for in WAC 388-54-717.

- (5) Property annually producing income consistent with the fair market value, even if only used on a seasonal basis, except rental homes used by households for vacation purposes at some time during the year shall be counted as resources unless the property is producing annual income consistent with the fair market value.
- (6) Property, such as farm land, rental homes or work_related equipment, such as the tools of a tradesman or the machinery of a farmer, essential to the employment or self-employment of a household member.
- (7) Resources of nonhousehold members such as roomers, live-in attendants or ineligible aliens.
- (8) Indian lands held jointly with the tribe or land that can be sold only with the approval of the Bureau of Indian Affairs.
- (9) Resources prorated as income for self-employed persons or students.
- (10) The cash value of resources not accessible to the household, such as but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, real property and notes receivable not readily liquidated, if the household is making a good-faith effort to sell at a reasonable price and has not been sold.

Funds in a trust or transferred to a trust, and the income produced by that trust to the extent the trust is not available to the household, shall be considered inaccessible to the household if:

- (a) The trustee administering the funds is either:
- (i) A court, or institution, corporation or organization and is not under the direction or ownership of any household member;
- (ii) The individual appointed by the court who has court_imposed limitations placed on the household's use of the funds;
- (iii) The funds held in irrevocable trust are either established from the household's own funds, if the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational expenses of any person named by the household creating the trust or established from nonhousehold funds by a nonhousehold member;
- (iv) Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction or influence of a household member.
- (b) If the trust arrangement will not likely cease during the certification period; and
- (c) If no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period.
- (11) Resources excluded for food stamp purposes by express provision of federal law:
- (a) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian Claims Agreement;
- (b) Payments received by certain Indian tribal members under Public Law 94-114, Sec. 6, regarding submarginal land held in trust by the United States;
- (c) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians;
- (d) Benefits received from the women, infants and children program (WIC);

- (e) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970;
- (f) Earned income tax credits received before January 1, 1980, as a result of Public Law 95-600, the Revenue Act of 1978;
- (g) Payments received under Title IV CETA amendments of 1978 as follows: Youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs.
- (h) Payments received by the Confederated Tribe of the Yakima Indian Nation and from the Indian Claims Commission as designated under Public Law 94-433, Sec. 2.
- (12) Installment contracts or agreements for the sale of land or other property producing income consistent with the fair market value, and the value of the property sold under the installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.
- (13) Any governmental payments specifically designated for restoration of a home damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended.
- (14) A payment or allowance made under any federal, state or local laws clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. Among the federal payments excluded are energy assistance payments provided through the Department of Health and Human Services' Low-Income Energy Assistance Program and the Community Services Administration's Energy Crisis Assistance and Crisis Intervention Programs.
 - (15) For jointly owned resources, refer to WAC 388-54-715.
- (16) Where an exclusion applies because of use of a resource by or for a household member, the exclusion shall also apply when the resource is being used by or for an ineligible alien or disqualified person whose resources are being counted as part of the household's resources. For example, work-related equipment essential to the employment of an ineligible alien or disqualified person shall be excluded, as shall one burial plot per ineligible alien or disqualified household member.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-715 RESOURCES—NONEXEMPT. (1) The following shall be considered as resources:

- (a) Liquid resources such as cash on hand or in checking or savings accounts, savings certificates, stocks and bonds, funds held in individual retirement accounts (IRAs), and funds held in Keogh plans which are accessible to and involve only food stamp household members.
- (b) Nonliquid resources such as real property (buildings, land, etc.) and personal property (boats, aircraft, unlicensed vehicles, etc.) which are not exempted by WAC 388-54-695.
- (c) Money received in the form of a nonrecurring lump-sum payment, including, but not limited to income tax refunds, rebates or credits; retroactive lump-sum Social Security, SSI, public assistance, railroad retirement benefits or other payment; or lump-sum insurance settlements; or refunds of rental, security or utility deposits.
- (2) The value of nonexempt resources, except for licensed vehicles as specified in WAC 388-54-717, shall be its equity value. The equity value is the fair market value less encumbrances.
- (3) Exempt moneys which are kept in a separate account, and that are not commingled in an account with nonexempt funds, shall retain their resource exemption for an unlimited period of time.
- (a) Those exempt moneys which are commingled in an account with nonexempt funds shall retain their exemption for six months from the date they are commingled.
- (b) After six months from the date of commingling, all funds in the commingled account shall be counted as a resource.
- (c) Those exempt moneys of students and self-employed households which are excluded as per WAC 388-54-695(9) and commingled in an account with nonexcluded funds shall retain their exclusion for the period of time over which they have been prorated as income.
 - (4) Vehicles as provided for in WAC 388-54-717.
- (5) Resources owned jointly by separate households shall be considered available in their entirety to each household, unless one household can demonstrate that the resource is inaccessible to that household.
- (a) If the household can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the household's resource level.
- (b) Resource shall be considered totally inaccessible to the house-hold if the resource cannot practically be subdivided and the house-hold's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply.

- (c) For the purpose of considering jointly owned resources, ineligible aliens or disqualified individuals residing with the household shall be considered household members.
- (6) Resources shall be considered inaccessible to persons residing in shelters for battered women and children if:
- (a) The resources are jointly owned by such persons and by members of their former household; and
- (b) The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former household.

AMENDATORY SECTION (Amending Order 1846, filed 7/14/82)

- WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.
- (1) ((Except as provided in subsection (2) of this section,)) Eligibility shall be determined on the basis of gross income and net food stamp income; except those households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665(2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines.

Effective July 1, 1982, Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standar
1	\$ 507
2	674
3	841
4	1,008
5	1,175
6	1,342
7	1,508
8	1,675
Each additional person	+167

(((2) Households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act,))

Effective July 1, 1982,
Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ 390
2	519
3	647
4	775
5	904
6	1,032
7	1,160
8	1,289
9	1,418
10	1,547
Each additional member	+129

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly disabled refer to WAC 388-54-665(1)(d).

Elderly/Disabled Separate Household Income Eligibility Standards Table

Household Size	Maximum Gross Monthly Income Elderly/Disabled Separate Household
$ \begin{array}{c} \frac{1}{2} \\ \frac{3}{4} \\ \underline{5} \end{array} $	\$\frac{644}{856} \frac{1,067}{1,279} \frac{1,491}{1,491}

Household Size	Maximum Gross Monthly Income Elderly/Disabled Separate Household
Each additional member	1,702 1,914 2,126 2,338 2,550 +212

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

- (1) A standard deduction of eighty-five dollars per household per month.
- (2) An earned income deduction of eighteen percent of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.
- (3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed one hundred fifteen dollars. The dependent care deduction in combination with the shelter deduction shall not exceed one hundred fifteen dollars.

- (4) Shelter costs in excess of fifty percent of the household's income after deducting standard, earned income, and dependent care deductions. The shelter deductions alone or in combination with the dependent care deduction shall not exceed one hundred fifteen dollars.
- (a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and basic service fee for one telephone (plus tax), and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

- (b) Shelter costs for a home not occupied because of employment, training away from home, illness or abandonment caused by casualty loss or natural disaster shall be allowed if:
 - (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's
- (c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.
- (d) Standardized utility amounts ((shall be used to compute the shelter costs for)) include utilities such as ((heat)) heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone.

Persons	in	Household

Food Stamp Utility Standards

	November 1, 1982 thru April 30, 1983	May 1, 1983 thru October 31, 1983
1	\$137	\$ 87
2	148	93
3	160	97
4	170	101
5	180	109
6	191	114
7	198	119
8	205	122
9	215	127
10 or more	224	133

- (e) Households which do not incur any separate utility charges ((or which are billed separately for only telephone costs, water, sewage, and garbage collection fees)) for heating or cooling costs shall not be entitled to claim the standard utility allowance.
- (f) If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.
- (g) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.
- (i) The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.
- (ii) A household shall be allowed to switch ((to or from)) between actual utility costs and the utility standard once during its certification period.
- (h) The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.
- (i) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the parties which contribute to meeting the utility costs. The household shall only be permitted to use its prorated share of the standard allowance.
- (j) Households living in a public housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.
- (5) Households which contain one or more members who are sixty years of age or older, receive Supplemental Security Income (SSI), or receive social security disability payments under Title I, II, X, XIV or XVI of the Social Security Act, or is a veteran or surviving disabled spouse or surviving disabled child as defined in WAC 388-54-665(2)(b), shall be authorized((7)) effective ((January 1, 1980)) February 1, 1983:
- (a) A dependent care deduction up to one hundred fifteen dollars as specified in WAC 388-54-740(3), and
- (b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount that exceeds fifty percent of the household's monthly income after all applicable deductions have been made.
- (6) An individual who is sixty years of age or older, or receives Supplemental Security Income (SSI), or receives social security disability, or has received emergency SSI from the Social Security Administration or is a veteran or surviving disabled spouse or surviving disabled child as defined in WAC 388-54-665(2)(b), shall be authorized effective ((January 1, 1980)) February 1, 1983, a deduction for unreimbursable monthly medical expenses over thirty-five dollars.
 - (a) Allowable medical expenses are:
- (i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;
 - (ii) The cost of medical insurance;
- (iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;
- (iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;
- (v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;
- (vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;
- (vii) The cost of medical supplies, sick-room equipment (including rental) or other prescribed equipment;
- (viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;
- by an optometrist or physician skilled in eye disease;
 (ix) Securing and maintaining a seeing eye dog including the cost of
- dog food and veterinarian bills;
 (x) Reasonable cost of transportation and lodging to obtain medical treatment or services.
 - (b) Nonallowable expenses are:
- (i) The cost of health and hospital insurance which pays in lumpsum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and
 - (ii) The cost of special diets.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-750 INCOME—SELF-EMPLOYMENT. (1) A household whose primary source of income is from self-employment, including self-employed farmers, shall be certified according to this section.

Self-employment income which is received on a monthly basis but which represents a household's annual support shall normally be averaged over a twelve-month period. If, however, the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the department shall calculate the self-employment income based on anticipated earnings.

(2) Income which represents annual income and costs of producing that income are to be computed on a yearly basis and averaged evenly over twelve months to determine eligibility even if it is received in only

a short period of time.

- (a) Self-employment income which represents only a part of a household's annual support shall be averaged over the period of time the income is intended to cover.
- (b) If a household's self-employment enterprise has been in existence for less than a year, this income shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(3) In determining monthly income from self-employment:

(a) The household may choose to determine the benefit level by using either the same net income which was used to determine eligibility((;)) or by unevenly prorating the household's total net income over the period for which the household's self-employment income was averaged. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards or net monthly income eligibility standards for the household's size.

(b) For the period of time over which self-employment income is determined, the department shall add all gross self-employment income (including capital gains), exclude the cost of producing the self-employment income and divide this income by the number of months

over which the income will be averaged.

- (c) For those households whose self-employment income is not averaged but is instead calculated on an anticipated basis, the department shall add any capital gains the household anticipates receiving in the next twelve months, starting with the date the application is filed and divide this amount by twelve. This amount shall be used in successive certification periods during the next twelve months, but recalculated should anticipated capital gains amounts change. The anticipated monthly amount of capital gains shall be added to the anticipated monthly self-employment income, and subtract the cost of producing the income. The cost of producing the self-employment income shall be calculated by anticipating the monthly allowable costs of producing the income.
- (d) The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income less the eighteen percent earned income deduction shall then be added to all other monthly income received by the household. The standard deduction, dependent care, and shelter costs shall be computed as for any other household and subtracted to determine the adjusted monthly net income of the household.
- (4) In calculating capital gains, the proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for federal income tax purposes. The department shall count the full amount of the capital gain as income for food stamp purposes even if only fifty percent of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes.
- (5) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property((;)).
- (6) The following items shall not be allowed as a cost of producing self-employment income:
- (a) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery, and other durable goods;

(b) Net losses from previous periods; and

(c) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses, such as transportation to and from work, as these expenses are accounted for by the eighteen percent earned income deduction specified.

- (d) Depreciation.
- (7) In assigning certification periods:
- (a) Households that receive their annual support from self-employment and have no other source of income may be certified for up to twelve months:
- (b) For those households that receive other sources of income or whose self-employment income is intended to cover a period of time that is less than a year, the department shall assign a certification period appropriate for the household's circumstances;

(c) For businesses which have been in operation for such a short time that there is insufficient data to make a reasonable projection, the household may be certified for less than a year until the business has been in operation long enough to base a longer projection.

(d) For those self-employed households that receive their annual income in a short period of time, the initial certification period shall be assigned to bring the household into the annual cycle.

AMENDATORY SECTION (Amending Order 1922, filed 12/15/82)

WAC 388-54-760 CERTIFICATION PERIODS—DURA-TION. (1) Based upon a thirty-day month, the value of the allotment issued to an eligible household for the initial month shall be prorated from the date of application through the end of the month, except no allotment shall be issued of less than ten dollars for the initial month.

(2) An assistance household shall be assigned a certification period which coincides with the scheduled assistance reviews so that the review of the grant and food stamp basis of issuance can be accom-

plished simultaneously, except:

- (a) Food stamp households where all members are subject to mandatory monthly reporting (MMR) may be certified for up to twelve months.
- (b) Households whose assistance is authorized for less than six months may be assigned certification periods to coincide with the assistance authorization.
- (3) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:
- (a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status.
- (i) A household eligible for a certification period of three months or less shall, at the time of certification, have this certification period increased by one month, if the certification process is completed after the fifteenth day of the month of application and the household's circumstances warrant the longer certification period.
- (ii) A household with one or more members on strike shall be assigned a certification period of no more than one month if the household is certified before the fifteenth day of the month; otherwise, the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.
- (b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months.
- (c) A household consisting solely of unemployable persons with very stable income from retirement, disability payments((;)) or similar sources may be certified up to twelve months, provided that other household circumstances are expected to remain stable.
- (d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection (3) (a), (b), and (c) of this section.

AMENDATORY SECTION (Amending Order 1545, filed 9/17/80)

WAC 388-54-780 RECERTIFICATION PROCESS. (1) If the household makes timely application, recertification shall be completed prior to the expiration of the current certification period to give members opportunity to participate in a normal issuance cycle the month following.

- (2) A notice of expiration must be provided to the households except for joint PA applicant households.
- (a) Not earlier than ((15)) <u>fifteen</u> days prior to, and not later than, the first day of the household's <u>last</u> month of certification, for households certified over a ((multi-month)) multimonth period; or,

- (b) At the time of certification, if the household is certified for one month, or initially certified for ((2)) two months during the month after the month of application.
 - (c) The notice shall contain:
 - (i) The date the current certification ends.
- (ii) The date the household must file to receive uninterrupted benefits.
- (iii) The household's right to request an application and have the department accept an application so long as it is signed and contains a legible name and address.
 - (iv) The address of the office where the application must be filed.
 - (v) The consequences of failure to comply with the notice.
- (vi) The right to file through an authorized representative or through the mail.
- (vii) The requirement to participate in a face-to-face recertification interview.
 - (viii) The right to a fair hearing.
- (d) A household provided a notice of expiration at the time of certification has ((1+5)) fifteen days from the date the notice is received to apply. All other households must apply by the ((1+5th)) fifteenth of the last month of certification to be considered timely.
- (3) A household that has applied in a timely manner and has been determined eligible shall experience no interruption in benefits.
- (a) Those provided notice at time of certification shall be notified of their status and provided an opportunity to participate not later than ((30)) thirty days after the date the household had an opportunity to obtain its last allotment.
- (b) Those applying by the ((15th)) fifteenth day of the last month of their certification period shall be approved or denied and notified of their status by the end of their current certification period and permitted to participate in their normal issuance cycle.
- (c) Those households which through department error were not recertified in time to participate in their normal issuance cycle shall be given immediate opportunity to do so even outside of the normal issuance system.
- (4) Households not able to participate in accordance with <u>subsection</u> (3) ((above)) of this section through department error shall be entitled to restoration of lost benefits if their benefits were interrupted.
- (5) A household which fails to submit a timely application for recertification or appear for a face-to-face interview scheduled after a timely reapplication, without good cause, shall lose its right to uninterrupted benefits.
- (a) A household which refuses to cooperate in providing required information or refuses to cooperate in any subsequent review of its eligibility, including a quality control review, shall be denied((;)).
- (b) An application for recertification ((not)) submitted ((in a timely manner)) after the end of the current certification period shall be treated as an ((application for)) initial certification except that previously verified income or expenses which change by ((\$25)) twenty-five dollars or less shall not be verified if the application is received within ((30)) thirty days after the previous certification period expires.
- (6) If a household's failure to apply in a timely manner was with good cause, the department will restore to the household the lost benefits, if there was interruption of benefits. Determination of good cause shall be made on a case-by-case basis and shall include, but not be limited to, failure to receive timely notice of expiration or personal illness.

AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS.
(1) Effective ((October 1, 1982)) February 1, 1983, based upon a thirty-day month, the department shall issue to households making initial application a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility except no allotment shall be issued at less than ten dollars.

(2) The department shall determine the value of the allotment a household receives (taking into consideration the requirement within subsection (1) of this section to prorate the initial month's allotment) by multiplying the household's net monthly income by thirty percent, rounding the product ((up)) down to the next whole dollar if it ends with one through ninety-nine cents, and subtract the result from the thrifty food plan for the appropriate household size. If the computation results in an allotment of one dollar, three dollars or five dollars, the amount shall be rounded up to two dollars, four dollars or six dollars, respectively.

Household Size	Effective 10/1/82 Thrifty Food Plan Amounts
1	\$ 75
2	139
3	199
4	253
5	300
6	360
7	398
8	455
9	512
10	569
Each additional member	+57

(3) All one— and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month ((wherein a)) where no household may receive a pro rata allotment of less than ten dollars.

WSR 83-05-001 PROPOSED RULES COMMISSION ON EQUIPMENT

[Filed February 3, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission on Equipment intends to adopt, amend, or repeal rules concerning minimum requirements for construction and equipment of special motor vehicles, chapter 204-90 WAC;

that the agency will at 10 a.m., Wednesday, May 4, 1983, in the Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.37.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 29, 1983.

This notice is connected to and continues the matter in Notice No. WSR 82-24-052 filed with the code reviser's office on November 30, 1982.

Dated: February 1, 1983 By: David K. Boston Secretary

WSR 83-05-002 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed February 3, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning general assistance, amending chapter 388-37 WAC.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director Division of Administration Department of Social and Health Services Mailstop OB 33-C Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by March 9, 1983. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, March 23, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 30, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 23, 1983.

> Dated: February 2, 1983 By: David A. Hogan, Director Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045, regarding amendments to the general assistance (GAU) program in WAC 388-37-010, 388-37-030, 388-37-032, 388-37-035, 388-37-036, 388-37-037, 388-37-038, 388-37-050 and 388-37-060.

The Purpose of this Rule Change: To clarify existing medical treatment policies, reinstate certain eligibility criteria for use in determining incapacity due to alcoholism and drug abuse, and to indicate in each appropriate section that clients in certain residential treatment facilities qualify for waiver of an incapacity review team (IRT) decision for sixty days.

Statutory Authority: RCW 74.08.090.

A Summary of the Changes Follows: WAC 388-37-010 includes in this section the requirement that an individual must be determined incapacitated in order to be eligible for GAU; WAC 388-37-030 and 388-37-032 includes in this section the requirement that an individual must accept required medical treatment as a condition of eligibility for GAU and clarifies the range of medical services available to GAU recipients; WAC 388-37-035 and 388-37-036 provides additional information on medical providers and sources of medical evidence for determining mental/emotional conditions. Reinstates the requirement that in order to be determined incapacitating, alcoholism or drug abuse must have resulted in organic damage or dangerous behavior due to impaired judgment; WAC 388-37-037 includes alcoholism and drug treatment in the definition of medical treatment. Adds a new reason for use in establishing whether there was good cause for failure to accept required medical treatment; WAC 388-37-038 and 38837-060 includes in each appropriate section the information that individuals residing in a halfway house or recovery house, have their incapacity established without an IRT decision for sixty days; and WAC 388-37-050 adds referrals to other agencies by the incapacity specialist.

The Division Responsible for Drafting, Implementing and Enforcing the Rule: Division of Income Assistance, OB-31C. The contact person for the division is Barbara Lamberth, General Assistance Program Manager, 753-

The proposed amendments are not necessary as a result of federal law, a federal court decision or a state court decision, and do not come under provisions of the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 1824, filed 10/26/82)

WAC 388-37-010 CONTINUING GENERAL ASSIST-ANCE—EXCLUSIONS. (1) Continuing general assistance is a statefinanced program which provides for the needs of some persons who are unable to work due to a mental, emotional or physical incapacity and who are not eligible for a federal aid grant; except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a sixty-day period, except as provided in WAC 388-37-038(1) through (4).

(2) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by Supplemental Security Income with the following

(a) An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(i) The applicant applies;

(ii) The applicant assigns the initial SSI payment to DSHS up to the amount of the GAU provided to the applicant pending approval of the SSI application:

(iii) The applicant meets all other general assistance eligibility requirements.

(b) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

(c) Effective March 31, 1981, an SSI recipient whose SSI check has been lost, stolen, missent or otherwise delayed, provided that the recipient agrees in writing to repay the amount of ((GA-U)) GAU assistance issued, and the applicant meets all other ((GA-U)) GAU eligibility requirements.

(3) Continuing general assistance cannot be granted to a recipient of Supplemental Security Income when he or she is subject to any sanction for failure to comply with SSI eligibility requirements.

(4) When an SSI check is lost in the mail system, issuance of ((GA= U)) GAU will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the tenday period may be waived by the CSO administrator.

(5) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes.

(a) The state cannot be reimbursed for any GAU authorized during

the time period these payments cover.

(b) If the amount of the initial SSI payment recovered by DSHS does not meet the amount paid as GAU, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.

If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

CONTINUING GENERAL WAC 388-37-030 ANCE-ELIGIBLE PERSONS. When other eligibility has been established, continuing general assistance shall be granted to((:))

incapacitated persons.

- (1) ((Incapacitated persons.)) As used in this section, incapacitated person means ((a person who is sixty-five years of age or older or)) a person who is physically, emotionally or mentally unable to work as a result of a condition expected to continue for at least sixty days from date of application except as provided in WAC 388-37-038(1) through (4). Incapacity refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities. Eligible individuals are:
 - (a) An incapacitated single person age eighteen or older. (b) A married couple if both persons are incapacitated.

(c) The incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described in WAC 388-28-500(2)(a) and (b).

(d) Persons in approved drug or alcoholism treatment programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan, as provided in WAC 388-37-038(3) and

<u>(4)</u>.

- (2) ((These rules shall be effective March 1, 1981)) An incapacitated individual must accept and follow through on required available medical treatment, which can reasonably be expected to render him or her able to work, unless there is good cause for failure to do so
 - (a) The CSO incapacity review team shall make the "good cause"

determination.

- (b) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program, unless there is good cause for failure to do so.
- An incapacitated individual may also receive medical services provided under the state-financed medical care services program as defined in WAC 388-86-120.

AMENDATORY SECTION (Amending Order 1894, filed 10/26/82)

WAC 388-37-032 CONTINUING GENERAL ASSIST-ANCE—DETERMINATION OF INCAPACITY. (1) Eligibility due to incapacity shall be determined by a CSO incapacity review team in accordance with the criteria in WAC 388-37-035.

(2) The incapacity review team shall:

- (a) Consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of eligibility due to incapacity within forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on the part of the applicant, the examining physician or other source of documentation.
 - (b) Request additional information when necessary.
- (c) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a redetermination of incapacity.
- (d) ((Recommend)) Require available medical treatment which can reasonably be expected to render the client able to work.
- (e) Recommend available medical services, provided under the state-financed medical care services program as defined in WAC 388-
- (3) Eligibility cannot be established if an applicant fails to cooperate in obtaining information documenting incapacity. Continued failure to so cooperate during the ten-day period following the mailing of a letter to the applicant's last known address specifically citing the required cooperation shall be grounds for denial of the application for assistance (see WAC 388-38-265).
- (4) Redetermination of eligibility for general assistance due to incapacity is based on available medical evidence. If the available medical evidence does not substantiate incapacity, then continued eligibility is denied
- (((4))) (5) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

AMENDATORY SECTION (Amending Order 1894, filed 10/26/82)

WAC 388-37-035 INCAPACITY—DETERMINATION OF INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological, emotional ((and/or)) or mental impairment which renders the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence as specified

in WAC 388-37-035(2).

- (b) The person must be substantially prevented by reason of the impairment from engaging in a useful occupation. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, social handicaps, etc., are not factors to be considered in determining his or her inability to obtain and continue in employment.
- (2) The source of evidence for physiological incapacity will be a written report from a physician, for a mental incapacity, the source may be a report from a psychiatrist, licensed clinical psychologist((;)) or mental health professional designated by the local community mental health agency as defined in RCW 71.05.020. Supplemental medical evidence may be obtained from a nurse practitioner, physician's assistant, or DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function.
- (3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual((, and consideration of the individual's abilities,)) so ((that)) it can be determined whether there remains a capacity to engage in a useful occupation.

AMENDATORY SECTION (Amending Order 1894, filed 10/26/82)

WAC 388-37-036 INCAPACITY—FUNCTIONAL, MENTAL, AND EMOTIONAL DISORDERS. Incapacity due to mental and emotional disorders shall be determined on the basis of ((demonstrable clinical signs and laboratory findings)) psychosocial and treatment history, clinical findings, and results of special tests, which provide evidence of significant impairment of ability to work. Impairment of ability to work is reflected in restriction of daily activities and/or constriction of interests and/or impaired ability to care for self and/or impaired ability to relate to others. In addition, at least one of the following ((clinical signs or laboratory findings)) must be present:

(1) The individual with organic brain syndrome demonstrates deterioration in intellectual functioning, manifested by one or more of the

following clinical ((signs)) findings:

(a) Marked memory defect for recent events; or

(b) Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

(c) Labile, shallow((5)) or coarse affect.

- (2) The individual with functional psychotic disorder manifests one or more of the following clinical ((signs)) findings:
 - (a) Depression (or elation); or

(b) Agitation; or

- (c) Psychomotor disturbances; or
- (d) Hallucinations or delusions; or
- (e) Autistic or other regressive behavior; or
- (f) Inappropriateness of affect; or
- (g) Illogical association of ideas.
- (3) The individual with functional nonpsychotic disorder (including addictive dependence on alcohol or drugs) manifests one or more of the following clinical ((signs)) findings:
- (a) Demonstrable and persistent structural changes mediated through psychophysiological channels (e.g., duodenal ulcer); or
- (b) Recurrent and persistent periods of anxiety, with tension, apprehension, and interference with concentration and memory; or
- (c) Persistent depressive affect with insomnia, loss of weight, and suicidal preoccupation; or
- (d) Persistent phobic or obsessive ruminations with inappropriate, bizarre((;)) or disruptive behavior; or

(e) Persistent compulsive, ritualistic behavior; or

- (f) Persistent functional disturbance of vision, speech, hearing, or use of a limb with demonstrable structural or trophic changes; or
- (g) Persistent, deeply ingrained, maladaptive patterns of behavior manifested by either:

(i) Seclusiveness or autistic thinking; or

(ii) Pathologically inappropriate suspiciousness or hostility.

- (4) The individual with addictive dependence on alcohol or drugs, in addition to manifesting one or more of the clinical findings in subsection (3) of this section shows evidence that:
 - (a) Pathological or demonstrable organic damage has resulted from

chronic alcoholism or drug abuse; or

- (b) The individual, as a result of the addiction, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and constitutes a danger to himself or herself, to any other person or to property.
- (c) Incapacity due to alcoholism or drug abuse will be considered to be established when an individual meets the criteria in WAC 388-37-038.
- (((4))) (5) The individual with mental retardation manifests significant limitations in mental and social functioning.

AMENDATORY SECTION (Amending Order 1894, filed 10/26/82)

WAC 388-37-037 CONTINUING GENERAL ASSIST-ANCE—REFUSAL TO ACCEPT AVAILABLE AND ((RECOMMENDED)) REQUIRED MEDICAL TREATMENT. (1) A continuing general assistance applicant or recipient who refuses without good cause to accept available ((recommended)) required medical treatment, which can reasonably be expected to render him or her able to work shall be incligible. The decision that the client has refused such treatment without good cause is based on the best objective judgment of the CSO incapacity review team.

(2) "Available medical treatment" shall mean and include medical, surgical, alcoholism, drug or mental health services, or any combina-

tion thereof.

- (3) "Reasonably be expected to render him or her able to work" shall mean that in the opinion of the incapacity review team, the ((recommended)) required treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner.
- (4) For the purposes of this section, an applicant or recipient has good cause to refuse ((recommended)) required medical treatment when in the judgment of the incapacity review team such refusal is based upon one or more of the following conditions:
- (a) The individual is genuinely fearful of undergoing ((recommended)) required treatment. Such fear may appear to be unrealistic or irrational; however, fear exists in such a degree that treatment would be adversely affected;
- (b) The individual could lose a faculty, or the remaining use of faculty he or she now has, and refuses to accept the risk;
- (c) Because of his or her definitely stated religious scruples, the individual will not accept ((recommended)) required medical treatment.
- (d) The individual is temporarily unable to participate in required medical treatment, due to an intervening incapacity. The temporary inability to participate must be documented by medical evidence. The requirement to participate is again imposed as soon as the person is able to participate.
- (5) Refusal to follow through with available ((recommended)) required medical treatment without good cause shall result in termination until the person agrees to cooperate in accepting such treatment
- and the following ineligibility periods have passed:
 (a) First refusal one week;
 - (b) Second refusal within six months one month;
 - (c) Third and subsequent refusals within one year two months.

AMENDATORY SECTION (Amending Order 1894, filed 10/26/82)

WAC 388-37-038 INCAPACITY—INCAPACITY REVIEW TEAM DECISION. (1) Incapacity will be considered to be established without an incapacity review team decision when the person:

(a) Has been determined to be eligible for any benefits based on Social Security Administration disability criteria;

(b) Is eligible for services from the division of developmental disabilities((:));

(c) Is sixty-five years of age or older.

(2) Incapacity will be considered established for a period of sixty days without an incapacity review team decision when the person is being released from inpatient psychiatric treatment.

(3) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident ((into)) of a licensed alcoholism treatment facility, including intensive or long-term treatment at an alcoholism treatment center, a halfway house or a recovery house

- ((services)) as defined in WAC 275-19-020, according to the time limits in WAC 388-37-060.
- (4) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.

(a) In accordance with the ((above)) criteria, in subsection (4) of this section incapacity will be considered to be established for the fol-

lowing maximum periods of time:

(i) Detoxification—thirty days.

(ii) Maintenance—sixty days.(iii) Residential treatment—sixty days.

- (b) Assistance shall not be continued beyond the initial period of time described in ((subdivision)) subsection (4)(a) of this section without an incapacity review team decision.
- (((5) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program.))

AMENDATORY SECTION (Amending Order 1894, filed 10/26/82)

WAC 388-37-050 CONTINUING GENERAL ASSIST-ANCE—REDETERMINATION OF ELIGIBILITY. (1) Continuing general assistance recipients shall have their continued financial eligibility for such assistance redetermined at least once every six months of continuous receipt of assistance.

(2) When an unemployable recipient of general assistance becomes employable, his or her eligibility ceases. This decision is made by the

CSO incapacity review team.

- (3) Whenever a general assistance recipient becomes eligible for AFDC or SSI benefits, he or she becomes ineligible for continuing general assistance.
- (4) Acceptance of available medical treatment. WAC 388-37-030 and 388-37-037 ((applies)) apply to a recipient as well as to an applicant.
- (5) Recipients of continuing general assistance shall be screened to determine appropriateness of referral to other agencies, i.e., SSA, SSI, DVR, VA, which can reasonably be expected to reduce their need for assistance. The decision to ((recommend referral)) refer to other agencies is made by the CSO incapacity specialist or incapacity review team. A recipient who has been referred and refuses, without good cause to accept referral to other agencies shall be ineligible. The decision on whether the client had good cause to refuse referral to another agency is made by the CSO incapacity review team. Refusal to accept ((recommended)) referral to other agencies without good cause shall result in termination until the person agrees to cooperate in accepting such referral and the following ineligibility periods have passed:
 - (a) First refusal one week:
 - (b) Second refusal within six months one month;
 - (c) Third and subsequent refusals within one year two months.

AMENDATORY SECTION (Amending Order 1759, filed 2/3/82)

WAC 388-37-060 CONGREGATE CARE—ALCOHOLISM TREATMENT. (1) For persons eligible for congregate care, see WAC 388-15-562.

- (2) Alcoholism treatment is provided to the detoxified alcoholic in congregate care facilities for which the treatment program has been approved by the state. Treatment may be:
 - (a) Intensive inpatient treatment services for thirty days or less.
- (b) Long_term services in a nonintensive program in a residential setting for one hundred and eighty days. This program may be extended in individual cases.
- (c) Residential rehabilitative services in a ((half-way)) halfway house or recovery house setting for up to sixty days.
- (3) An individual's need for alcoholism treatment in either a privately or publicly operated facility shall be determined by:
- (a) Evaluation and recommendation of a state_approved community_alcoholism center, or
 - (b) A court order.
- (4) Persons receiving services in an intensive alcoholism treatment program shall not be required to participate in the cost of care. Following the month of admission income of individuals receiving long—term or rehabilitative services shall be considered according to the rules applicable to the program under which the benefits are received.

WSR 83-05-003 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 3, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning services for the blind, repealing chapter 388-72 WAC.

Correspondence concerning this notice and proposed rules attached should be addressed to:

> David A. Hogan, Director Division of Administration Department of Social and Health Services Mailstop OB 33-C Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by March 9, 1983. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, March 23, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 30, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 23, 1983.

Dated: February 2, 1983 By: David A. Hogan, Director Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Re: Repealing chapter 388-72 WAC.

Purpose of the Rule Change: To repeal obsolete DSHS rules relating to services for the blind. The Washington State Commission for the Blind now administers this program.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-72-020 ADVISORY COMMITTEE FOR THE BLIND.
- (2) WAC 388-72-025 PHYSICIANS' EYE ADVISORY COMMITTEE.
 - (3) WAC 388-72-030 AID TO BLIND.
 - COUNTY OFFICE RESPONSIBILITY. (4) WAC 388-72-035 MAIL ADDRESS OF SERVICES FOR
- (5) WAC 388-72-040 THE BLIND.
 - (6) WAC 388-72-045 (7) WAC 388-72-050 (8) WAC 388-72-060 ABBREVIATIONS. ELIGIBILITY.
 - EXEMPT RESOURCES. (9) WAC 388-72-070 ELIGIBILITY DETERMINATION.
- (10) WAC 388-72-080 RESIDENCE—STATE OF WASHINGTON.
- (11) WAC 388-72-090 APPLICATION REVIEW. (12) WAC 388-72-100 ALLOTMENT FOR BLIND STU-DENT ATTENDING COLLEGE OR UNIVERSITY—GENERAL.
- (13) WAC 388-72-105 ALLOTMENT FOR BLIND STU-DENT ATTENDING COLLEGE OR UNIVERSITY-APPLICA-TION FOR ALLOTMENT.
- (14) WAC 388-72-110 ALLOTMENT FOR BLIND STU-DENT ATTENDING COLLEGE OR UNIVERSITY—ADMINIS-TRATIVE RELATIONSHIP BETWEEN STATE DEPARTMENT OF PUBLIC ASSISTANCE AND SUPERINTENDENT OF PUB-LIC INSTRUCTION
- (15) WAC 388-72-115 ALLOTMENT FOR BLIND STU-DENT ATTENDING COLLEGE OR UNIVERSITY—APPLICA-TION FROM BLIND PERSON INTERESTED IN ATTENDING COLLEGE OR UNIVERSITY
- (16) WAC 388-72-120 ALLOTMENT FOR BLIND STU-DENT ATTENDING COLLEGE OR UNIVERSITY—RESPON-SIBILITY OF COLLEGE OR UNIVERSITY
- (17) WAC 388-72-125 ALLOTMENT FOR BLIND STU-DENT ATTENDING COLLEGE OR UNIVERSITY—USE OF ALLOTMENT FROM STATE BOARD OF EDUCATION.
- (18) WAC 388-72-150 HOME TEACHING SERVICES FOR ADULT BLIND—PURPOSE
- (19) WAC 388-72-155 HOME TEACHING SERVICES FOR ADULT BLIND—TEACHING PLAN.
- (20) WAC 388-72-160 HOME TEACHING SERVICES FOR ADULT BLIND—PERSONAL ADJUSTMENT SERVICES.
- (21) WAC 388-72-165 HOME TEACHING SERVICES FOR ADULT BLIND—RELATIONSHIP WITH STAFF, OTHER AGENCIES AND COMMUNITY
- (22) WAC 388-72-170 HOME TEACHING SERVICES FOR ADULT BLIND—CASE RECORD
- (23) WAC 388-72-175 SUPERVISION AND CONSULTATION.
- (24) WAC 388-72-180 TERMINATION OF SERVICE. (25) WAC 388-72-200 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—LEGAL BASIS—OBJECTIVE.
- (26) WAC 388-72-205 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—PHYSICIANS ELIGIBLE TO RENDER SERVICES.
- (27) WAC 388-72-207 PREVENTION OF BLINDNESS AND (27) WAC 388-72-207 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—STAFF OPHTHALMOLOGIST.

 (28) WAC 388-72-210 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—SERVICES PROVIDED.

 (29) WAC 388-72-215 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—SERVICES EXCLUDED.
- (30) WAC 388-72-220 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—PERSONS ELIGIBLE.
- (31) WAC 388-72-225 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—RESOURCES.
- (32) WAC 388-72-230 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—REQUIREMENTS.
- (33) WAC 388-72-235 PREVENTION OF BLINDNESS AND
- RESTORATION OF VISION—RESIDENCE.
 (34) WAC 388-72-240 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—APPLICATION.
- (35) WAC 388-72-250 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—AUTHORIZATION OF SERVICES.
- (36) WAC 388-72-255 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—CONSULTATION SERVICES.
- (37) WAC 388-72-260 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—SOCIAL SUMMARY.

- (38) WAC 388-72-265 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—PHYSICAL EXAMINATION
- (39) WAC 388-72-270 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—GLASSES
- (40) WAC 388-72-275 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—PROSTHESES.
- (41) WAC 388-72-280 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—DRUGS.
- (42) WAC 388-72-285 PREVENTION OF BLINDNESS AND RESTORATION OF VISION—REPORTS.
- (43) WAC 388-72-300 REHABILITATION CENTER FOR THE BLIND.
- (44) WAC 388-72-305 REHABILITATION CENTER FOR THE BLIND—APPLICATION.
- (45) WAC 388-72-310 REHABILITATION CENTER FOR THE BLIND—ELIGIBILITY.
- (46) WAC 388-72-315 REHABILITATION CENTER FOR THE BLIND—MAINTENANCE WHILE ATTENDING THE RE-HABILITATION CENTER.
- (47) WAC 388-72-350 SERVICES FOR BLIND CHIL-DREN-STATE DEPARTMENT OF PUBLIC ASSISTANCE RESPONSIBILITIES.
- (48) WAC 388-72-355 SERVICES FOR BLIND CHIL-
- DREN—STATE SCHOOL FOR THE BLIND.
 (49) WAC 388-72-400 TALKING BOOK MACHINES— GENERAL.
- (50) WAC 388-72-405 TALKING BOOK MACHINES-DISTRIBUTION.
- (51) WAC 388-72-410 TALKING BOOK MACHINES-AP-PLICATION PROCEDURE.
- (52) WAC 388-72-415 TALKING BOOK MACHINES—ELI-GIBILITY FOR TALKING BOOK MACHINES.
- (53) WAC 388-72-425 TALKING BOOK MACHINES-COUNTY OFFICE RESPONSIBILITY FOR TALKING BOOK
- MACHINE. (54) WAC 388-72-435 TALKING BOOK MACHINES—IS-SUANCE OF MACHINE.
- (55) WAC 388-72-445 TALKING BOOK MACHINES-RE-
- TÙRŃ OF MACHINE. (56) WAC 388-72-500 TRAINING CENTER FOR THE
- BLIND—GENERAL. (57) WAC 388-72-505 BLIND—APPLICATION. TRAINING CENTER FOR THE
- (58) WAC 388-72-510 TRAINING CENTER FOR THE
- BLIND-ELIGIBILITY.
- (59) WAC 388-72-515 TRAINING CENTER FOR THE BLIND—MAINTENANCE WHILE ATTENDING TRAINING CENTER.
- (60) WAC 388-72-520 TRAINING CENTER FOR THE BLIND—PLACEMENT.
 - (61) WAC 388-72-550 (62) WAC 388-72-555 VENDING STANDS—GENERAL.
- VENDING STANDS— APPLICATION.
 - (63) WAC 388-72-560 (64) WAC 388-72-565 (65) WAC 388-72-570 VENDING STANDS—ELIGIBILITY. VENDING STANDS—SELECTION. VENDING STANDS—TRAINING
- AND PLACEMENT.
- (66) WAC 388-72-575 VENDING STANDS—MAINTE-NANCE DURING VENDING STAND TRAINING.
- (67) <u>WAC 388-72-580</u> AND STOCK. VENDING STANDS—EQUIPMENT
- (68) WAC 388-72-585 VENDING STANDS— SUPERVISION.
- (69) WAC 388-72-590 VENDING STANDS-FAIR HÈARING.
- (70) WAC 388-72-600 VOCATIONAL REHABILITATION SERVICES FOR THE BLIND—GENERAL.
- (71) WAC 388-72-605 VOCATIONAL REHABILITATION SERVICES FOR THE BLIND—ELIGIBILITY FOR VOCATION-
- AL REHABILITATION SERVICES FOR THE BLIND. (72) WAC 388-72-610 VOCATIONAL REHABILITATION SERVICES FOR THE BLIND—REFERRAL FOR VOCATION-AL REHABILITATION SERVICES FOR THE BLIND.

- (73) <u>WAC 388-72-615</u> VOCATIONAL REHABILITATION SERVICES FOR THE BLIND—SERVICES PROVIDED.
- (74) WAC 388-72-620 VOCATIONAL REHABILITATION SERVICES FOR THE BLIND—EXCHANGE OF CASE INFORMATION.
- (75) WAC 388-72-625 VOCATIONAL REHABILITATION SERVICES FOR THE BLIND—COUNTY OFFICE RESPONSIBILITY.
- (76) WAC 388-72-630 VOCATIONAL REHABILITATION SERVICES FOR THE BLIND—COSTS INCIDENTAL TO VO-CATIONAL REHABILITATION.
- (77) WAC 388-72-635 VOCATIONAL REHABILITATION SERVICES FOR THE BLIND-VENDING STANDS.

WSR 83-05-004 PROPOSED RULES DEPARTMENT OF NATURAL RESOURCES (Board of Natural Resources)

[Filed February 3, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources intends to adopt, amend, or repeal rules concerning reducing the minimum royalty for oil and gas leases issued by the Department of Natural Resources from ten dollars to five dollars per acre per year, amending WAC 332-12-310(1).

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 1, 1983.

The authority under which these rules are proposed is RCW 43.30.150(6) and 79.14.120.

The specific statute these rules are intended to implement is chapter 79.14 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 25, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-01-103 filed with the code reviser's office on December 21, 1982.

> Dated: February 3, 1983 James A. Stearns Supervisor

WSR 83-05-005 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF TRANSPORTATION

(Transportation Commission) [Memorandum-February 1, 1983]

Pursuant to the requirements of RCW 42.30.075, the following is the schedule of meetings of the Washington State Transportation Commission:

> The regular meetings of the Washington State Transportation Commission will be held on the third Thursday of each month in 1D2, Transportation Building, Room Olympia, Washington, at 9:30 a.m.

WSR 83-05-006 ADOPTED RULES DEPARTMENT OF LICENSING

[Order PL 425—Filed February 3, 1983]

I, Joan Baird, assistant director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to architect's licensing fees, adding new section WAC 308-12-312 fees, and repealing WAC 308-12-311 fees.

This action is taken pursuant to Notice No. WSR 83-01-110 filed with the code reviser on December 21, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW

34.04.040(2).

This rule is promulgated pursuant to RCW 18.08.130 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 1, 1983.

By Joan Bail

By Joan Baird Assistant Director

NEW SECTION

WAC 308-12-312 FEES. The following fees shall be charged by the Professional Licensing Division of the Department of Licensing:

TITLE OF FEE	FEE
Initial Registration	\$35.00
Registration Renewal	35.00
Late Registration Renewal	25.00
Penalty	35.00
Certificate Replacement	15.00
Examination Proctor Fee_	30.00
Reciprocity Registration Fee	250.00
Initial Examination Application	25.00
Retake Examination Application	20.00
Initial Examination All Parts	220.00
EXAM RETAKE	
Division A: Pre-Design	33.00
Division B: Site Design	33.00
Division C: Building Design	55.00
Division D: Structural – General	16.50
Division E: Structural - Lateral	
Forces	12.50
Division F: Structural - Long	
Span	8.50
Division G: Mechanical, Plumbing,	
Electrical & Safety	
Systems	16.50
Division H: Materials and Methods	21.00
Division I: Construction Documents	
and Services	24.00

REPEALER

The following section of the Washington Administrative Code is hereby repealed: WAC 308-12-311 FEES.

WSR 83-05-007 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 1944—Filed February 4, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388–96 WAC.

This action is taken pursuant to Notice No. WSR 83-01-074 filed with the code reviser on December 17, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED February 2, 1983.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1808, filed 5/14/82)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All reports shall be legible ((and)), reproducible, and shall be submitted in original. ((It is recommended that)) All entries must be typed or completed in black or dark blue ink.

(2) Reports shall be completed in accordance with instructions provided by the department. If no specific instruction covers a situation, generally accepted

accounting principles shall be followed.

- (3) The accrual method of accounting shall be used, except that for governmental institutions operated on a cash method of accounting, data based on this method of accounting will be acceptable. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy is followed.
- (4) Methods of allocating costs shall be consistently applied. Written approval must be obtained from the

department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

- (5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. Records shall be available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.
- (6) If a contractor fails to maintain records adequate for audit purposes as provided in subsection (5) of this section or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

AMÉNDATORY SECTION (Amending Order 1716, filed 11/4/81)

WAC 388-96-222 SETTLEMENT. (1) Beginning with calendar year 1981, the contractor shall submit a proposed settlement report together with its annual cost report. This report shall compare the prospective rates paid to the contractor during the report period, weighted according to the number of patient days during which each rate was in effect, with the contractor's allowable costs for the period, taking into account all authorized shifting (WAC 388-96-223) and the upper rate limits set out in WAC 388-96-760.

- (2) Settlement shall be in accordance with the following principles:
- (a) In the patient care and food cost areas, the contractor shall refund all portions of payments received for recipients in excess of allowable patient care and food costs, respectively, for those recipients;
- (b) In the administration and operations and property cost areas, after January 1, 1979, the contractor shall refund all portions of payments received for recipients in excess of administration and operations and property costs, respectively, for those recipients;
- (c) In the property cost area, the contractor shall refund ((amounts determined under WAC 388-96-573 and)), for settlement periods prior to January 1, 1981, amounts determined under WAC 388-96-571(4) and 388-96-573;
- (d) In the return on equity cost area, the contractor shall refund amounts determined under WAC 388-96-750(4).
- (3) The department will either accept or reject the proposed settlement report within ninety days after its receipt. If the department accepts the proposed settlement report, it will become the preliminary settlement. If the department rejects the proposed settlement report,

the department will submit a preliminary settlement report to the contractor, which will become the preliminary settlement when sent to the contractor.

- (4) The contractor shall pay the refund, or shall commence repayment in accordance with a schedule determined by the department, within ((sixty)) thirty days after receiving the preliminary settlement report, unless the contractor's proposed settlement report was rejected by the department and the contractor contests settlement issues in good faith in accordance with the procedures set out in WAC 388-96-904. If the settlement determination is contested, the contractor shall pay or commence repayment in accordance with a schedule determined by the department within ((sixty)) thirty days after such proceedings are concluded. The department will pay any amount due the contractor as the result of errors in billing or payment disclosed on the preliminary settlement report within thirty days after the settlement report is received by the contractor or within thirty days after proceedings to contest the settlement are concluded.
- (5) If the contractor does not refund the overpayment and interest or any installment when due, the department may withhold payments from current billings until the overpayment is refunded. Payments will only be withheld under this subsection up to the unrefunded amount of the overpayment and interest.
- (6) A preliminary settlement may be revised by the department on the basis of audit findings. Payments of amounts determined to be due on revised settlement to either the contractor or the department shall be made within the time limits specified in subsection (4) and (5) of this section.

AMENDATORY SECTION (Amending Order 1716, filed 11/4/81)

WAC 388-96-225 DATE SETTLEMENT BE-COMES FINAL. (1) A settlement will become final thirty days after the date the revised settlement, if any, is received by the contractor unless the contractor contests the revised settlement in accordance with the procedures set out in WAC 388-96-904. In the event the revised settlement determination is contested, the revised settlement will be final as of the date these proceedings are concluded.

- (2) ((A preliminary settlement for calendar year 1981 or subsequent years will become final one hundred twenty days after the final audit narrative and summary is sent to the contractor, if no revised settlement is sent to the contractor prior to that date.
- (3))) A settlement for a settlement period prior to January 1, 1981, will be reopened if necessary to make adjustments in accordance with WAC 388-96-571(4) and 388-96-573.

AMENDATORY SECTION (Amending Order 1716, filed 11/4/81)

WAC 388-96-227 INTEREST ON SETTLE-MENTS. (1) Any settlement for calendar year 1981 or a subsequent year in which an amount is due the department will bear interest at a rate of one percent per

month from thirty days after the date that the settlement is sent to the contractor to the date of payment, unless the contractor establishes that the overpayment was the result of errors made by the department.

(2) The contractor may, by payment of a disputed settlement in whole or in part, stop accrual of interest on the amount paid. Such payment will be without prejudice to any right to obtain review of a settlement determination.

AMENDATORY SECTION (Amending Order 1712, filed 11/4/81)

- ✓ WAC 388-96-539 ALLOWABLE INTEREST.

 (1) The contractor's necessary and ordinary interest for working capital and capital indebtedness will be allowable.
- (a) To be necessary, interest must be incurred in connection with a loan which satisfies a financial need of the contractor and be for a purpose related to patient care. Interest expense relating to business opportunity or goodwill will not be allowed.
- (b) To be ordinary, interest must be at a rate which is not in excess of what a prudent borrower would have to pay at the time of the loan in an arm's-length transaction in the money market.
- (c) Interest expense shall include amortization of bond discounts and expenses related to the bond issue. Amortization shall be over the period from the date of sale to the date of maturity or, if earlier, the date of extinguishment of the bonds.
- (2) Interest paid to or for the benefit of a related organization will be allowed only to the extent the actual interest does not exceed the cost to the related organization of obtaining the use of the funds. However, if the loan from which the interest expense arises is classified as a part of a contractor's equity capital according to Medicare rules and regulations, the interest expense shall be unallowable.

AMENDATORY SECTION (Amending Order 1808, filed 5/14/82)

√WAC 388-96-553 CAPITALIZATION. The following costs shall be capitalized:

- (1) ((Expenses)) Expenditures for and costs of equipment, including furniture and furnishings, with historical cost in excess of one hundred fifty dollars per unit and a useful life of more than one year from the date of purchase;
- (2) ((Expenses)) Expenditures and costs for equipment, including furniture and furnishings, with historical cost of one hundred fifty dollars or less per unit if either:
- (a) The item of equipment was acquired in a group purchase where the total cost exceeded one hundred fifty dollars; or
- (b) The item of equipment was part of the initial equipment or stock of the nursing home.
- (3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsections (1) and (2) of this section shall

be applied with the sum of five hundred dollars replacing the sum of one hundred fifty dollars.

- (4) Expenditures for and costs of building, and other real property items, components, and improvements ((and leasehold improvements)), whether for leased or owner—operated facilities, in excess of five hundred dollars and involving one or more of the following:
- (a) Increase of the interior floor space of the structure;
- (b) Increase or renewal of paved areas outside the structure ((adjacent to or providing access to the structure));
- (c) ((Modification of the)) Exterior or interior ((walls)) remodeling of the structure;
- (d) Installation of additional heating, cooling, electrical ((or)), water-related or similar fixed equipment;
- (enhancing the value of the structure sufficiently to justify an increase in service charges to residents or patients);
- (f) Any change, including repairs, which increases the useful life of the structure or item if not a part of the structure by two years or more;
- (g) Any replacement or renewal of a real property item, component or improvement, whether structural or nonstructural.
- (((g))) (5) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with internal revenue service class life ADR system guidelines or in accordance with American hospital association guidelines.

NEW SECTION

√WAC 388-96-554 EXPENSING. The following costs shall be expensed:

- (1) Expenditures for and costs of equipment, including furniture and furnishings, with historical cost of one hundred fifty dollars or less per unit or a useful life of one year or less from the date of purchase.
 - (2) Subsection (1) of this section shall not apply if:
- (a) The item of equipment was acquired in a group purchase where the total cost exceeded one hundred fifty dollars; or
- (b) The item of equipment was part of the initial equipment or stock of the nursing home.
- (3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsections (1) and (2) of this section shall be applied with the sum of five hundred dollars replacing the sum of one hundred fifty dollars.
- (4) Expenditures for and costs of building and other real property items, components and improvements, whether for leased or owner-operated facilities, of five hundred dollars or less.
- (5) Expenditures for and costs of repairs necessary to maintain the useful life of equipment, including furniture and furnishings, and real property items, components or improvements which do not increase the useful life of the asset by two years or more. If a repair is to the interior or exterior of the structure, the term "asset" shall refer to the structure.

(6) Remaining undepreciated cost of equipment, including furniture or furnishings or real property items, components or improvements which are replaced, renewed or retired. The replacement or renewal shall be capitalized if required by WAC 388-96-553.

AMÉNDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-573 RECOVERY OF EXCESS OVER STRAIGHT-LINE DEPRECIATION. This section shall apply to settlement periods prior to January 1, 1981, only. If a contractor terminates its contract without selling or otherwise retiring equipment which was depreciated using an accelerated method, depreciation schedules relating to these assets for periods during which the contractor participated in the program shall be adjusted. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement which would have been paid for depreciation if the straight-line method had been used, will be recovered by the department.

WSR 83-05-008 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 83-09-Filed February 4, 1983]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are the result of the Columbia River Compact and are to allow harvest by treaty Indian fishermen and are necessary for the conservation of salmon.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 4, 1983.

By Edward P. Manary for William R. Wilkerson Acting Director

NEW SECTION

WAC 220-32-05100U SEASONS—SALMON Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish immediately until noon, March 21, 1983, in areas 1F, 1G and 1H.

WSR 83-05-009 ADOPTED RULES DEPARTMENT OF CORRECTIONS

[Order 83-02-Filed February 4, 1983]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to community residential programs, facility review committee, amending WAC 137-56-190.

Any correspondence regarding this rule should be directed to:

John J. Sinclair, Administrator Office of Contracts and Regulations Division of Management and Budget Mailstop FN-61 Scan 234-5770

This action is taken pursuant to Notice No. WSR 83-01-084 filed with the code reviser on December 17, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.65.100 which directs that the Department of Corrections has authority to implement the provisions of chapter 72.65 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED January 25, 1983.

By Robert E. Trimble
Deputy Secretary
for Amos E. Reed
Secretary

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-190 FACILITY REVIEW COM-MITTEE. (1) The review committee shall consist of at least ((four)) three members, including the work/training release facility supervisor or his or her designee and a member of the contractor's staff, if the facility is under contract with the department. The ((two)) additional members shall be selected by the facility supervisor from either state staff, including probation and parole officers or the contractor's staff. No resident or inmate may be a member of this committee. The facility supervisor shall serve as chairman and shall have the authority to make the final decision. The facility supervisor or his or her designee shall inform the inmate, in writing, of the review committee's decision within three working days.

- (2) At institutions, the classification committee may serve as the facility review committee for work/training release inmates or residents housed at the facility; except that the institution work/training release coordinator will be a member of the committee.
- (3) No person making an allegation involved in the incident, or called as a witness, shall be a member of the review committee. Persons called as witnesses must be approved by the review committee chairman and must have information or facts which are relative to the allegations being considered. In the event that an individual is disqualified or disqualifies himself or herself under this rule or for any other reason, a replacement may be designated by the facility supervisor, community resident programs administrator, or assistant director, community resident programs.

WSR 83-05-010 NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Memorandum—February 1, 1983]

The following is a location change for the Central Washington University board of trustees meeting scheduled for June 17, 1983. The location has been changed from Bouillon Hall, Room 143, to Grupe Conference Center.

WSR 83-05-011 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 83-10-Filed February 7, 1983]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of razor clams are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 4, 1983.

By William R. Wilkerson

Acting Director

NEW SECTION

WAC 220-56-36000F RAZOR CLAMS—AREAS AND SEASONS It is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in Razor Clams Areas 1, 2, and 3, except that from February 15, 1983 through March 15, 1983, it is lawful to dig for and possess razor clams 24 hours per day, and from March 16, 1983 through June 15, 1983 it is lawful to dig for razor clams from 12 midnight to 12 noon daily and it is lawful to possess clams taken during this time period.

WSR 83-05-012 NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum—February 2, 1983]

The board of trustees will hold their regular meeting on March 7, 1983, at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA 98106, at 6:30 p.m.

WSR 83-05-013 ADOPTED RULES DEPARTMENT OF REVENUE

[Order FT-83-2-Filed February 8, 1983]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Forest land values—1978, WAC 458-40-19101.

This action is taken pursuant to Notice No. WSR 83-02-056 filed with the code reviser on January 5, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.33.120 as amended by chapter 148, Laws of 1981, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED February 8, 1983.

By John B. Conklin Forest Tax Supervisor

AMENDATORY SECTION (Amending Order FT 79-36, filed 7/10/79)

WAC 458-40-19101 FOREST LAND VALUES AMENDED FOR ((EASTERN)) WESTERN WASHINGTON FOR YEAR 1978. The true and fair

values, per acre, for each grade of forest land for the 1978 assessment year are determined to be as follows:

FOREST LAND VALUES

Land	Accessi- bility &	Western	Eastern
	Favorable	\$((137.00)) 115.00	\$36.00
GOOD	Average	\$((119.00)) 97.00	\$31.00
	Difficult	\$ ((87.00)) 64.00	\$24.00
	Inoperable	\$ 5.00	\$ 1.00
	Favorable	\$ ((98.00)) 82.00	\$22.00
AVERAGE	Average	\$ ((85.00)) 69.00	\$18.00
	Difficult	\$ $((60.00))$ $\overline{45.00}$	\$14.00
	Inoperable	\$ 3.00	\$ 1.00
	Favorable	\$ ((54.00)) 46.00	\$10.00
POOR	Average	((47.00)) 38.00	\$ 9.00
	Difficult	$((33.00))$ $\overline{25.00}$	\$ 6.00
	Inoperable	\$ 1.00	\$ 1.00

¹ For Western Washington: All private land lying west of the Summit of the Cascade Range of mountains.

WSR 83-05-014 EMERGENCY RULES COMMISSION FOR THE BLIND

[Order 83-01-Filed February 8, 1983]

Be it resolved by the Commission for the Blind, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

New	WAC 67-40-022	Prevention—Financial eligibility.
New	WAC 67-40-026	Prevention—Medical eligibility.
New	WAC 67-40-051	Prevention—Services provided.
New	WAC 67-40-061	Services not provided.
Amd	WAC 67-40-090	Prevention-Appeal and fair hearing.

We, the Washington State Commission for the Blind, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to have these rules in effect until permanently adopted in the near future.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind as authorized in RCW 74.16.450.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 5, 1983.

By Paul Dziedzic

Director

NEW SECTION

WAC 67-40-022 PREVENTION—FINANCIAL ELIGIBILITY. Application for the Prevention of Blindness program is made at Department of Social and Health Services Community Services Offices.

Financial eligibility must be established by the Department of Social and Health Services.

NEW SECTION

WAC 67-40-026 PREVENTION—MEDICAL ELIGIBILITY. (1) The Eye Physicians Advisory Committee recommends the policies and criteria for the determination of medical services to be provided by the Prevention of Blindness Program.

(2) The Commission's ophthalmological consultant reviews the medical necessity of conditions diagnosed by the individual's ophthalmologist and makes a decision regarding medical services to be provided based on the criteria recommended by the Eye Physicians Advisory Committee.

NEW SECTION

WAC 67-40-051 PREVENTION—SERVICES PROVIDED. Subject to the limitations in WAC 67-40-070, The Commission will approve services which are determined to be medically necessary as defined:

- (1) Medical necessity applies to a service for the treatment of eye(s) that can be determined to prevent, diagnose, correct, cure, alleviate, or prevent the worsening of conditions that endanger life, cause suffering or pain, or result in blindness or loss of vision, or threaten to cause a visual loss, or cause physical malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable. For purposes of this section, "course of treatment" may include mere observation or, where appropriate, no treatment at all.
- (2) A medical social work consultant coordinates the provisions of services by opthalmologists throughout the state and works in cooperation with staff of the DSHS Community Services Offices and Division of Medical Assistance, as well as vocational rehabilitation counselors to implement plans for eye care.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 67-40-061 SERVICES NOT PROVIDED. A request for medical services may be denied if the requested service is generally regarded by the medical profession as experimental in nature or as unacceptable treatment unless the requested service can be demonstrated to be otherwise medically necessary.

Certain eye conditions which are degenerative and unlikely to respond to treatment and certain conditions

² For Eastern Washington: All private land lying east of the Summit of the Cascade Range of mountains.

pertaining to tear ducts or eyelids rather than the eye itself shall be excluded, specifically:

- (1) Routine eye examinations for clients not specifically referred for diagnosis of a suspected vision problem;
- (2) Glasses and contact lenses, except following cataract surgery or when medically necessary for treatment of an eye condition such as strabismus or keratoconus;
 - (3) Blepharitis;
 - (4) Chalazion;
 - (5) Conjunctivitis;
- (6) Macular degeneration, except subretinal neovascularization;
 - (7) Orthoptics (muscle training);
 - (8) Cosmetic Plastic surgery,
- (9) Tumors outside the eye unless suspected malignancy threatens eye function;
- (10) Strabismus surgery for adults unless diplopia is present;
- (11) Cataract surgery when vision is better than 20/70 in the better eye with correction (or better than Jaeger 5 with a 3.5 add), except when the cataract is hypermature and complications are present or imminent or when documented social factors establish the need to drive or read to maintain independence.

AMENDATORY SECTION (Amending Order 82–06, filed 8/4/82)

WAC 67-40-090 PREVENTION—APPEAL AND FAIR HEARING. (1) Any individual denied service may request a hearing by writing within ((thirty)) ninety days of receipt of notification to the Commission for the Blind at 921 Lakeridge Drive, Olympia, Washington ((98502)) 98504 which will forward the request to the Office of Administrative Hearings.

- (2) The hearing shall be held in the county in which the appellant resides. The individual may be represented by legal counsel or by another person of his/her choice.
- (3) ((The director shall upon recommendation from the administrative law judge issue a decision.)) An administrative law judge from the Office of Administrative Hearings shall issue an initial decision.
- (4) The director shall issue a final decision within 15 days of receipt of the initial decision.
- (5) An appellant who feels aggrieved by the decision of the director has the right to a judicial review as provided by law.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 83-05-015 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Filed February 8, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning AFDC and GAU—Eligibility—Standards of assistance, amending chapter 388–29 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 2, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 74.08.041.

This notice is connected to and continues the matter in Notice No. WSR 83-01-121 filed with the code reviser's office on December 22, 1982.

Dated: February 4, 1983

By: David A. Hogan, Director

Division of Administration and Personnel

WSR 83-05-016 EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Order 1784—Filed February 8, 1983]

- I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to importation of animals, amending WAC 16-54-040 and 16-54-082.
- I, M. Keith Ellis, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is two highly infectious diseases have been confirmed in several western states and pose a major threat to Washington's livestock industry. These emergency rules will minimize that threat by creating guidelines necessary to prevent the spread of diseases in this state.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 16.36 and 16.44 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 8, 1983.

By M. Keith Ellis

Director

AMENDATORY SECTION (Amending Order 1172, filed 12/15/70)

WAC 16-54-040 IMMEDIATE SLAUGHTER CATTLE AND HORSES. Cattle may be shipped into the State of Washington for immediate slaughter without inspection or health certificate: PROVIDED:

- (1) The waybills or certificates state that the animals are for immediate slaughter, and
- (2) The animals will be slaughtered within fourteen (14) days after arrival at destination, and
- (3) The animals are consigned to a slaughter plant operating under the Federal Meat Inspection Act; or a slaughter plant specifically approved under Chapter 78-.16, Title 9, Code of Federal Regulations, or a federally inspected stockyard or a salesyard specifically approved under Chapter 78.16, Title 9, Code of Federal Regulations, for sale to such a slaughter establishment.
- (4) Provided further that international shipments are subject to further regulations under Title 9, C.F.R. The director, his appointed officers, any other peace officers or member of the state patrol may stop vehicles carrying cattle or horses to determine if the cattle or horses are identified or branded as immediate slaughter cattle or horses and, if so, that the cattle or horses are not being diverted for other purposes to points other than the specified point of slaughter.

AMENDATORY SECTION (Amending Emergency Order 1783, effective 1/27/83)

WAC 16-54-082 DOMESTIC BOVINE ANI-MALS. All domestic bovine animals (including bison) ((except those for immediate slaughter at a federally inspected establishment, or to a quarantined registered feed lot, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard unless otherwise provided below shall be accompanied by a health certificate (WAC 16-54-030))) entering Washington shall be moved on a permit issued by the office of the state veterinarian and shall meet the following requirements:

- (1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.
- (2) Brucellosis. ((Cattle originating from states other than Washington:)) All domestic bovine animals (including bison) ((moving into Washington)), except those consigned to quarantined registered feed lots, or to federally inspected slaughter establishments for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be ((moved on a permit issued by the animal health division of the department of agriculture and)) accompanied by an official interstate health certificate((5)) and shall meet the following requirements:
- (a) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest not less than thirty nor more than sixty days from the date of previous test, except that the following classes of cattle are exempt from these test requirements:

- (i) Calves under six months of age.
- (ii) Steers and spayed heifers.
- (iii) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.
- (iv) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.
- (v) Cattle consigned directly to a quarantined registered feed lot.
 - (vi) Cattle from certified brucellosis free herds.
- (vii) Beef breed cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.
- (b) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calfhood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:
 - (i) Calves under four months of age.
- (ii) Those cattle consigned directly to a federally inspected slaughter plant.
- (iii) Those cattle consigned directly to a quarantined registered feed lot.
 - (iv) Spayed heifers.
- (3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days ((prior to)) of entry and, except those consigned to a federally inspected slaughter establishment for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate ((and a permit issued by the office of the state veterinarian)).
- (4) <u>Vesicular stromatitis</u>. The office of the state veterinarian may require that:
- (a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter establishment for immediate slaughter within fourteen days;
- (b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and
- (c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.
- (((4))) (5) Temporary grazing. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: PROVIDED, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis non-vaccinates in the herd prior to January 1, 1988. Grazing

permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 83-05-017 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 1945-Filed February 9, 1983]

I, David A. Hogan, Director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to developmentally disabled community training program, new chapter 275–26 WAC.

This action is taken pursuant to Notice No. WSR 83-01-118 filed with the code reviser on December 22, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 72.33 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED February 9, 1983.

By David A. Hogan, Director Division of Administration and Personnel

Chapter 275-26 WAC DEVELOPMENTALLY DISABLED COMMUNITY TRAINING PROGRAM

NEW SECTION

√WAC 275-26-005 PURPOSE. (1) The division of developmental disabilities, for the purpose of enabling certain developmentally disabled persons as defined in WAC 275-26-025 and 275-26-520 to live in an independent setting, may provide a training and support service to clients living in the client's own home.

(2) The generally expected outcome of such services is the client's need for tenant support or alternative living services will be substantially decreased over time, depending upon the client's individual need.

NEW SECTION

√WAC 275-26-010 DEFINITIONS. (1) "Administrative hours" is a measure of time devoted to the function of administration and management of the organization. Administrative hours include time spent with employees related to the employee's overall job performance or other work management functions, but does not include the time spent by administrators relating to individual tenants.

- (2) "Alternative living services" means the provision of training and support services to clients renting, buying or owning living accommodations.
- (3) "Average monthly staff hours" is a measure of the average number of staff hours devoted to serving participating tenants. Average monthly staff hours is calculated by dividing the sum of staff and supervisory hours (excluding any hours devoted to administrative functions) by the tenant months.
- (4) "Client" means a person determined by the division to be eligible for services funded by the division.
- (5) "Department" means the department of social and health services of the state of Washington.
- (6) "Division" means the division of developmental disabilities of the department of social and health services.
- (7) "Individual direct service hours" is a measure of the hours of one-to-one tenant support services received by a participating tenant, and is calculated for each service event by dividing the number of provider staff delivering a service event by the number of participating tenants in the event and multiplying by the duration of the event.
- (8) "Participating tenants" means a person eligible for services from the division of developmental disabilities, referred to the provider by the division and placed in an independent living setting by the provider, receiving thirty or more individual direct service hours during the billing month, provided that a tenant entering or leaving the program during any billing month is considered a "participating tenant" if he or she received an average of one hour of individual direct service hours per day in the program.
- (9) "Provider" means the tenant support agency, alternative living agency or alternative living individual provider contracted by the department to provide training and support services to clients.
- (10) "Secretary" means the secretary of the department or such officer the secretary may designate to carry out in whole or in part the administration of this chapter.
- (11) "Supervisory hours" is a measure of time devoted to the function of certain tenant related supervisory tasks such as consultation with employees related to individual tenants or groups of tenants and specific program services.
 - (12) "Support" means:
- (a) Assistance to the tenant or client in performance of necessary functions or performance of necessary functions on behalf of the tenant or client. Where the client's skill has not been developed, support is provided

as a substitute in those areas affecting the client's survival.

- (b) Assistance to the client in the fostering and development of typical relationships in the community.
- (13) "Tenant" means a person eligible for services from the division, referred by the division to and receiving services from a tenant support agency, living or preparing to live, in his or her own independent living setting.
- (14) "Tenant month" represents the average number of participating tenants attending the tenant support program during the billing month. A tenant month is calculated by multiplying the number of participating tenants attending the program for the full month by the number of days in the billing month; adding the number of days attended by participating tenants leaving or entering the program (providing the tenants attending for a partial month average one hour per day of individual direct service hours); dividing the sum by the number of days of the billing month. In the event the number of tenant months results in a fraction, the number shall be rounded to two decimal places.
- (15) "Tenant support agency" means the entity certified by the department to provide training and support services to tenants who are or will be renting, buying or owning an apartment or home.
- (16) "Tenant support services" means the provision of an average of forty-four hours monthly of training and support services to participating tenants served by a tenant support agency.
- (17) "Training" means goal—oriented instruction targeting the skills not yet developed and enhancing the skill proficiencies affecting a tenant's or client's survival or independence.
- (18) "Work day" means the day or days the local division of developmental disabilities field services office is open for business.

NEW SECTION

WAC 275-26-012 TENANT SUPPORT AGENCIES. The rules in WAC 275-26-015 through 275-26-097 apply exclusively to the tenant support program.

NEW SECTION

WAC 275-26-015 INITIAL AND INTERIM ERTIFICATION. Initial certification or interim renewal certification may be granted if the tenant support agency has been examined pursuant to WAC 275-26-030 and upon assurance the tenant support agency will comply with these rules and regulations within a specified period of time acceptable to the secretary not to exceed one hundred eighty days.

- (1) If the provider does not comply with the requirements of chapter 275-26 WAC within the one hundred eighty-day period the department shall initiate a process of withdrawing the tenant support initial or interim certification.
- (2) Revocation, suspension or denial shall be done in accord with the rules governing administrative review (WAC 275-26-022) and the laws of the state of Washington (chapter 34.04 RCW).

NEW SECTION

√WAC 275-26-020 CERTIFICATION. (1) Upon determination by the department of compliance with WAC 275-26-030, the division may certify a tenant support agency as approved for referral of and service provision to tenants under the provision of chapter 72.33 RCW. This certification is required annually. Initial application or proposal for certification shall be reviewed by the county and recommendations shall be forwarded by the county to the division. The county may submit recommendations to the division prior to annual certification by the department.

(2) An agency found to be substantially out of compliance with the provisions of this WAC chapter shall be subject to interim certification and revocation procedures as outlined in WAC 275-26-015.

NEW SECTION

WAC 275-26-022 ADMINISTRATIVE REVIEW CONFERENCE PROCESS. (1) All agencies providing tenant support services must abide by chapter 275-36 WAC as it pertains to decertification action. Any party who feels aggrieved by this decertification may request an administrative review. The request shall be signed by the provider, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for the provider's contention that the determination was erroneous. Copies of any documentation the provider intends to rely on to support the provider's position shall be included with the request.

- (2) After receiving a request meeting the criteria in subsection (1) of this section, the director of the division of developmental disabilities will contact the provider to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than thirty days after a properly completed request is received unless both parties agree in writing to a specific later date.
- (3) The provider and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the provider may attend and participate. The provider shall bring to the conference, or provide to the department in advance of the conference, any documentation the provider intends to rely on to support the provider's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.
- (4) Unless informal agreement has been reached at the conference, a written decision by the director of the division of developmental disabilities will be furnished to the provider within sixty days after the conclusion of the conference.
- (5) If the provider desires review of an adverse decision of the director of the division of developmental disabilities, the provider shall within thirty days following receipt of such decision request a fair hearing in writing

in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

WAC 275-26-025 ELIGIBILITY FOR TENANT SUPPORT SERVICES. In order to participate in tenant support services, the eligible person must:

(1) Be eighteen years of age or older;

(2) Already live or be prepared to move into an apartment or private community housing;

(3) Have sufficient earned or unearned income to pay his or her housing, food, and other incidental costs;

(4) Be able to identify emergencies independently and seek assistance:

(5) Be able to be alone during night-time hours;

(6) Be able to use or learn to use a telephone; may use adaptive equipment;

(7) Does not consistently behave in a manner disruptive to the community;

(8) Demonstrates basic self-help skills, such as eating, dressing, grooming, and toileting;

(9) Demonstrates ability to use or learn to use public transportation independently and safely.

NEW SECTION

WAC 275-26-030 EVALUATION AND SUPER-VISION. (1) The secretary shall review and/or evaluate the tenant support agency's operation to ensure that proper standards of operation, as set forth by law, or this chapter, are maintained. If, during the evaluation process, the provider is found not in compliance with the standards and regulations contained in chapter 275-26 WAC, the secretary shall cause a report to be filed. The report shall specify the corrective action to be implemented with specific time limits not to exceed one hundred eighty days for corrective action completion. If such corrective actions are not implemented within the specified times the tenant support agency certification, initial certification or interim certification may be withdrawn.

(2) The secretary may conduct an audit of the tenant support agency, as deemed necessary by the department.

(3) The secretary may review, as deemed necessary, each tenant's individual adjustment to ensure tenant's needs, interests, and welfare continue to be served.

NEW SECTION

WAC 275-26-032 EMERGENCY AND OTHER SERVICES. (1) The tenant support agency shall inform the division when the tenant requires services beyond levels described in WAC 275-26-005 through 275-26-090. Services described include, but are not limited to:

- (a) Medical services;
- (b) Dental services;
- (c) Behavioral intervention services.
- (2) In emergencies, the tenant support agency shall inform the division of a tenant's need for services described in subsection (1) of this section within seventy—two hours or the next work day, whichever is earlier.
- (3) Payment for any services described in subsection (1) of this section may be provided by the department, if

not prohibited by law: PROVIDED HOWEVER, That other resources do not exist or have been exhausted. Such other resources shall include:

- (a) Private or public insurance;
- (b) The tenant's assets;
- (c) Assistance from private service organizations.

NEW SECTION

VWAC 275-26-050 TENANT REMUNERATION. Whenever appropriate or required by law, individual tenants performing work for the tenant support agency shall be given remuneration in accordance with the minimum wage law unless exemption has been granted to the minimum wage under applicable laws of the federal department of labor and state department of labor and industries.

NEW SECTION

WAC 275-26-055 ADMINISTRATION. (1) The tenant support agency shall have written statements approved by the division including, but not limited to, the following:

(a) Agency philosophy, objectives, and goals;

(b) Description of the tenant support agency's program, admission, and discharge criteria;

(c) Policies and procedures protecting the financial interests of the tenants;

(d) Policies and procedures describing designation of authority in the absence of the administrator and the agency's chain of authority;

(e) Policies and procedures describing methods of responding to emergencies including, but not limited to:

(i) Natural or other disaster;

(ii) Medical problems;

(iii) Involvement of the tenant with law enforcement agencies.

(f) Policies and procedures for notification of tenant's guardian and/or relatives in case of tenant's personal emergency.

(2) The tenant support agency director shall complete and file with the department the document entitled Division of Developmental Disabilities Administrative Policy Number 1, dated July 2, 1973, provided by the department prohibiting mistreatment, neglect or abuse of tenants. All staff working with tenants shall sign a similar document, approved by the department, compiled by the provider and kept in the staff's personnel file.

(3)(a) The tenant support agency will notify the division immediately of any serious incident involving a tenant, such as, when a tenant is missing, has had a serious injury or accident, or has been a victim or perpetrator of a felonious action, etc.

(b) Such notification will be followed by a written report of the incident submitted to the division on the next work day, unless an exception is granted by the division.

NEW SECTION

WAC 275-26-060 PERSONNEL. (1) The provider shall maintain current written personnel policies and practices which shall be made available to all employees.

- (2) Requirements for staff employed by the tenant support agency shall include, but not be limited to, the following:
 - (a) Be eighteen years of age or older;
- (b) Demonstrate capacity to be an appropriate role model:
- (c) Exhibit mature behavior and the ability to make independent judgments.
- (3) The performance of each employee shall be evaluated in writing at least annually by the tenant support agency.
- (4) Personnel policies and practices shall not discriminate against staff or prospective staff based upon a person's age, sex, marital status, race, creed, color, national origin or the presence of any sensory, mental or physical handicap: PROVIDED, That such sensory, mental or physical handicap does not prevent the specific performance of the job.

VWAC 275-26-065 STAFFING. (1) The tenant support agency shall provide sufficient staff to administer the program, perform training, supervision, and support services.

(2) The tenant support agency must provide the client with immediate accessibility to tenant support agency staff twenty-four hours per day, seven days each week.

NÉW SECTION

WAC 275-26-070 STAFF TRAINING. The tenant support agency shall ensure that staff receive a minimum of twelve hours of training during the first thirty days of employment. Such training will involve a combination of instruction and supervised experience (working) with tenants. A minimum of four hours per month training shall be provided each direct service staff person during the first six months of employment.

NEW SECTION

✓ WAC 275-26-075 TENANT RECORDS. (1) The tenant support agency shall maintain and keep current a record, including health and training records, for each tenant served as a basis for review, study, and evaluation of the overall programs provided by the agency to the participating tenants.

- (2) All information contained in a tenant's record shall be:
 - (a) Considered privileged and confidential;
 - (b) Used in the best interest of the tenant:
- (c) Available to all training and support staff, the department and, pursuant to RCW 71.20.075, the county community developmental disabilities board.
- (3) Any transfer or inspection of records, except pursuant to subsection (2) of this section, shall be authorized by a release of information form, which is signed by the tenant or, if incompetent by the guardian.

NEW SECTION

VWAC 275-26-080 HEALTH SERVICES. The tenant support agency shall provide training, guidance

- and/or support to the tenant for the purpose of health services by:
- (1) Assisting the tenant to be aware of the need for health services;
- (2) Assisting the tenant with arranging appointments with health professionals;
- (3) Assisting and ensuring transportation for the tenant to health services;
- (4) Monitoring the tenant's implementation of medical treatment prescribed by health professionals:
- (5) Communicating directly with health professionals, when indicated.

NEW SECTION

√ WAC 275-26-085 TENANT SUPPORT PRO-GRAM PLAN. The tenant support agency shall develop a written tenant support program plan in a format approved by the department to support individual goals designated in the individual service plan developed by the division.

NEW SECTION

WAC 275-26-090 TENANT SERVICES. The tenant support agency shall, as specified in the tenant's tenant support program plan, provide each tenant, based upon individual need, with community survival training and support services including, but not limited to, the following areas:

- (1) Establishment of a residence, including arrangements with landlord, public utilities, tenant insurance.
- (2) Personal health including personal hygiene, physical health, personal safety, assertiveness, human sexuality.
- (3) Household management including care of home, use of appliances, financial planning, meal planning and preparation, home safety, emergency procedures, telephone use.
- (4) Use of community resources including transportation, health services, shopping resources, banking.
- (5) Use of leisure time including planning time and activities, social relationships, role responsibilities.

NEW SECTION

WAC 275-26-095 PHYSICAL REQUIRE-MENTS. (1) The tenant support agency, when assisting a tenant with establishing a residence, will ensure the tenant is offered choices of housing meeting the following requirements:

- (a) One living unit serves as a residence for no more than three tenants;
- (b) Is located in a typical multi-family or single-family dwelling residential neighborhood;
- (c) Is located in a neighborhood or apartment complex not having a predominant population comprised of handicapped, ill or infirm people;
- (d) Is located in an area providing easy access to public transit and necessary resources such as grocery, bank, laundromat, churches, and other public services;
- (e) Is located in an area where access to tenant's work and/or work training involves not more than a reasonable effort:

- (f) Has necessary equipment or conditions to guarantee minimum safety for the tenant in his or her housing unit, including, but not limited to:
- (i) Access to telephone equipment usable by the tenant:
- (ii) A smoke detector located in proximity to sleeping rooms:
 - (iii) A flashlight in working condition;
 - (iv) First-aid supplies;
 - (v) Plan developed with tenant for evacuation;
- (vi) Safe storage area for flammable and combustible materials;
- (vii) No space used for residential purposes accessible only by ladder, folding stairs or a trap door;
 - (viii) An unblocked exit.
- (2) The tenant support agency shall document activities with a tenant relevant to subsection (1) of this section. Such documentation shall be kept in the tenant's record.
- (3) Tenant support agencies serving tenants entered into the program prior to the effective date of this amendatory act are exempt from subsections (1)(a) through (1)(e) of this section.

J WAC 275-26-097 EXCEPTIONS WHEN AL-LOWED. The department may permit the provider to exceed payment for service and payment for additional expenses. Exceptions will be based on a review by the division of the participating tenant's need for extraordinary level of tenant support services. The exception must be approved by the secretary and included in the contract.

NEW SECTION

WAC 275-26-500 ALTERNATIVE LIVING PROGRAM. The rules in WAC 275-26-520 through 275-26-580 apply exclusively to the alternative living program.

NEW SECTION

WAC 275-26-520 ELIGIBILITY. (1) A person considered by the department as having a need for such services may receive alternative living services.

- (2) In order to receive alternative living services, the eligible person must:
 - (a) Be eighteen years of age or older;
- (b) Already live or be prepared to move into private community housing;
- (c) Have sufficient earned or unearned income to pay his or her housing, food, and other incidental costs;
- (d) Demonstrate ability to identify emergencies independently and seek assistance;
- (e) Be able to be alone a majority of the time, including nighttime hours;
- (f) Be able to use a telephone, may use adaptive equipment;
- (g) Demonstrates basic self-help skills, such as eating, dressing, grooming, and toileting;
- (h) Have mastered a majority of community survival skills and require training and support in only one or two

major areas, such as, money management, processing documents to receive assistance from governmental agencies, use of health services, establishing a residence.

NEW SECTION

WAC 275-26-530 EVALUATION AND SUPER-VISION. (1) The secretary may review, as deemed necessary, the provider's records of a client's progress, documentation of service hours provided, and any documentation pertaining to financial transactions on behalf of a client.

(2) The secretary may review, as deemed necessary, a client's individual adjustment to ensure that the client's needs, interests, and welfare continue to be served.

NEW SECTION

WAC 275-26-540 ADMINISTRATION OF ALTERNATIVE LIVING SERVICES. Alternative living services will be delivered as follows:

- (1) Client will be referred by the division to a provider. The provider may accept or reject such a referral.
- (2) A six-month alternative living program plan shall be developed by the division with the participation of the client and provider. Such plan may be modified as needed.
- (a) The client's alternative living program plan shall be based upon the individual service plan (ISP) developed by the division.
- (b) The alternative living program plan shall be developed in accord with division policy relating to alternative living services.
- (c) If clients require more than six months of alternative living service, revised alternative living program plans shall be developed at six-month intervals.
- (3) The provider shall maintain a record of the client's progress toward the alternative living program plan goals and shall submit a written periodic progress report to the division.
- (4) The division may terminate services to an individual client, based upon a review of the client's needs, interests, and welfare.

NEW SECTION

WAC 275-26-550 ALTERNATIVE LIVING SERVICES. Alternative living services shall, as specified in the client's alternative living program plan, be provided in areas which include, but are not limited to, the following:

- (1) Establishment of a residence, including arrangements with landlord, public utilities.
- (2) Personal health including personal hygiene, physical health, personal safety, assertiveness, human sexuality.
- (3) Household management including care of home, use of appliances, financial planning, meal planning and preparation, home safety, emergency procedures, telephone use.
- (4) Use of community resources including transportation, health services, shopping resources, banking.
- (5) Use of leisure time including planning time and activities, social relationships, role responsibilities.

WAC 275-26-560 PROVIDER REQUIRE-MENTS. (1) The provider shall meet the following requirements:

- (a) Have experience in working with people with developmental disabilities;
- (b) Demonstrate the capacity to be an appropriate role model:
- (c) Meet other requirements as deemed necessary by the department.
- (2) The provider is prohibited from abuse, neglect or mistreatment of a client. The provider shall treat the client with dignity and consideration, respecting the client's civil and human rights at all times.
- (3) The provider shall require at time of employment all employees to read and agree to abide by the current Division of Developmental Disabilities Administrative Policy Number 1, dated July 2, 1973, regarding client abuse.

NEW SECTION

- WAC 275-26-570 MAXIMUM COMPENSA-TION. (1) The department shall pay the provider an hourly rate up to a maximum amount as designated by the department for authorized alternative living program services.
- (2) The department may reimburse the provider for travel expenses incurred in transporting a client to and from needed services provided prior authorization has been granted by the secretary. Other travel expenses may be reimbursed with prior written approval of the secretary.
- (3) Reimbursement for mileage expenses may be paid the provider up to a maximum of the prevailing rate paid to state employees for mileage reimbursement.

WSR 83-05-018 ADOPTED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Order 83-4-Filed February 9, 1983-Eff. July 1, 1983]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Department of Labor and Industries Offices, General Administration Building, Olympia, Washington, the annexed rules relating to rules applicable to the administration of retrospective rating plans and group insurance plans (chapter 296–17 WAC) for workers' compensation insurance underwritten by the Department of Labor and Industries and offered to employers on an optional basis. Basic premium ratios, loss conversion factors, size group tables, evaluation of incurred losses for fatal clams, filing date for group dividend and/or retrospective rating agreement and clarification of rules are set forth. Proposed rules affect the coverage period beginning July 1, 1983, and ending June 30, 1984.

This action is taken pursuant to Notice No. WSR 83-01-129 filed with the code reviser on December 22,

1982. These rules shall take effect at a later date, such date being July 1, 1983.

This rule is promulgated pursuant to RCW 51.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 9, 1983.

By Sam Kinville

y Sam Kinville Director

AMENDATORY SECTION (Amending Order 82-5, filed 2/10/82)

✓ WAC 296-17-911 GROUP DIVIDENDS. Group dividends will be calculated provided:

- (1) Employers qualify as a group as defined by WAC 296-17-910.
 - (2) Group submits a satisfactorily completed:
- (a) Application for group dividend plan no later than April 30 for the coverage period beginning the following July 1;
- (b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled no later than ((July 1)) June 15;
- (c) Group dividend agreement no later than ((July 1)) June 15.
- (3) A dividend is declared under provisions of WAC 296-17-905.

Employers associated with the group at any time during the term of the group dividend agreement will remain parties to the group dividend agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group dividend at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Each employer included as a group member in the group dividend agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

Any premiums, penalties or assessments owing the department by any member of the group will be withheld from the group's dividend.

Dividends will be calculated in accordance with WAC 296-17-905 and are subject to WAC 296-17-907 and 296-17-915.

The payment of the group dividend will be made by the department to the association and shall be distributed to the individual group members by the association according to the system for allocation described in the group dividend agreement and agreed upon by the members in their membership enrollment application. Dividend allocation systems must be applied in a consistent manner and shall not unfairly discriminate against any group member. Any portion of the dividend to be retained by the association as expenses, etc. must be clearly defined in the agreement.

AMENDATORY SECTION (Amending Order 82-5, filed 2/10/82)

VWAC 296-17-914 RETROSPECTIVE RATING FORMULA. Employers who elect to have their premium adjusted under a retrospective rating plan must submit an application on a form provided by the department no later than April 30 for the coverage period beginning the following July 1. The employer must preselect a "maximum premium ratio" from Plan A or Plan B.

The employer's retrospective premium shall be calculated from the formula:

Retrospective Premium = Basic Premium + (loss conversion factor x incurred losses)

In the above formula, the basic premium is the product of the basic premium ratio times the employer's standard premium. The basic premium ratio is taken from Plan A (WAC 296-17-91901) or Plan B (WAC 296-17-91902) based on the employer's standard premium and preselected maximum premium ratio. The maximum retrospective premium is the product of the maximum premium ratio times the employer's standard premium. In the event that the retrospective premium formula produces a value greater than the maximum premium, the retrospective premium shall be reduced to the maximum premium.

Under Plan A, a firm may elect to forego the protection of a maximum premium ratio if its financial condition is sufficiently strong and stable so that it could qualify as a self-insurer under the department's guidelines for certification of self-insurers. The basic premium ratio effective for the coverage period beginning July 1, ((1982)) 1983, and ending June 30, ((1983)) 1984, will be ((1941)) 051 if the firm selects and qualifies for an unlimited maximum premium.

AMENDATORY SECTION (Amending Order 82-5, filed 2/10/82)

WAC 296-17-915 EVALUATION OF INCURRED LOSSES DIVIDEND AND RETROSPECTIVE RATING PLANS. The initial evaluation date for each claim arising from incidents occurring during the coverage period shall be on and include December 31, six months immediately following the end of the coverage period. Each subsequent annual incurred loss evaluation under the retrospective rating plan shall have a valuation date of December 31, twelve months following the preceding evaluation date.

The estimated cost of each claim shall include all payments made as of the valuation date and may also include a reserve for future payments consistent with evaluation methods applicable to experience rating as set forth in WAC 296-17-870, subsections (1) through (6) for the period retrospective premium adjustments are calculated. The incurred losses for each employer shall be determined by multiplying the individual claim cost estimates by loss development factors, and adding the resulting developed losses for all the employer's claims. The following special procedures will be used for making individual claim cost estimates:

Fatal Claims - Retrospective Rating Plan

Each fatal claim shall include all payments made as of the valuation date and a pension reserve, if any, based on the annuity value at the time the pension is awarded. Pension costs will not be reevaluated based on events after the pension has been awarded.

Fatal Claims - Dividend Plan

Each fatal claim shall be assigned the "average death value", said value to be the average incurred cost for all fatal claims occurring during the coverage period.

Permanent Total Claims

Pension costs for permanent total injuries will be based on the annuity value at the time that the pension is awarded. Pension costs will not be reevaluated based on events after the pension has been awarded.

Occupational Disease Claims

The cost of any occupational disease claim paid from the accident fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment. Each employer's share of the claim cost shall be assigned to the coverage period during which the employer last employed the claimant under conditions of injurious exposure, provided the employer's share is at least ten percent of the total claim cost.

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-916 RETROSPECTIVE PREMI-UM ADJUSTMENTS—DUE AND PAYABLE. The initial retrospective premium adjustment will be calculated approximately fifteen months from the close of the coverage period and annually thereafter for a period of four years. Provided a request is made within ninety days following promulgation of the fifth and final required retrospective premium adjustment by either the employer or department up to two subsequent annual retrospective premium adjustments on the coverage period will be made. The additional adjustments will be identified as the sixth and seventh adjustments and must be requested and made in succession.

Retrospective premium adjustments become due or payable within sixty days of notification of amount. Reevaluation of incurred losses or premium audits will not delay retrospective premium adjustment payments. For employers participating on an individual retrospective rating plan, no retrospective premium adjustment refund check will be written for less than ten dollars. In lieu of refund checks, retrospective premium adjustments of less than ten dollars will be credited to the employer's industrial insurance account.

AMENDATORY SECTION (Amending Order 82-5, filed 2/10/82)

J WAC 296-17-917 QUALIFICATIONS FOR EMPLOYER GROUP PARTICIPATION IN RETROSPECTIVE RATING PLAN. The department may enroll interested groups in the retrospective rating plan provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

- (2) Employers maintain industrial insurance accounts in good standing with the department.
 - (3) Group submits a satisfactorily completed:
- (a) Application for group retrospective rating plan no later than April 30 for the coverage period beginning the following July 1;
- (b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled by ((July 1)) June 15:
- (c) Group retrospective rating plan agreement by ((July 1)) June 15.
- (4) The group may be required to post a surety bond or other security deposit separate from the individual employer's cash deposits required for establishing industrial insurance accounts with the department. The amount of such surety bond or other security deposit, if required, may be fixed by the department in any amount equal to or less than the difference between the group's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Each employer included as a group member in the group retrospective rating plan agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

Employers associated with the group at any time during the term of the group retrospective rating plan agreement will remain parties to the agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group retrospective rating plan at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Final determination of an employer's eligibility to participate in a group plan under this section rests with the department subject to review under chapter 51.52 RCW.

The payment of the group retrospective premium adiustment will be made to or collected from the association. The distribution to the individual group members or collection from the individual group members will be done by the association according to the system for allocation described in the group retrospective rating plan agreement and agreed upon by the members in their membership enrollment application. Group retrospective rating plan allocation systems must be applied in a consistent manner and shall not unfairly discriminate against any group member. Any portion of the retrospective premium adjustment to be retained by the association as expenses, etc. or any surcharge to the group member for expenses, etc. by the association over and above the portion of the retrospective premium adjustment to be collected from the group member must be clearly defined in the agreement.

Any premium, penalties or assessments owing the department by any employer in the group will be included in the group's retrospective premium adjustment.

Group retrospective premium adjustment will be calculated according to WAC 296-17-914 and is subject to WAC 296-17-915 and 296-17-916.

AMENDATORY SECTION (Amending Order 82-5, filed 2/10/82)

VWAC 296-17-919 TABLE I. 8 € 0 × VS/

RETROSPECTIVE RATING PLANS A and B STANDARD PREMIUM SIZE RANGES Effective for the coverage period July 1, ((1982)) 1983, through June 30, ((1983)) 1984

((Size	Standard	
Group	Premium Premium	
Number	Range	
84	\$ 2,470 - \$	2,759
83	2,760 – 	 3,099
82	3,100 -	3,469
	3,470 –	3,889
80	3,890 -	4,359
	4,360 -	4,879
78	4,880	5,469
	5,470	- 6,139
	6,140 -	6,869
75		7,679
74	7,680 -	8,209
73	8,210 -	8,769
72	8,770 -	9,369
71-	9,370 -	-9,999
70	10,000 -	10,699
69	10,700 -	11,399
	11,400 -	- 12,199
	12,200 -	13,099
66	- 13,100	13,999
65	14,000 -	- 14,899
64	14,900 -	15,899
63	15,900 -	16,999
	17,000 -	18,199
	18,200 -	19,399
	19,400 – 	- 20,799
	20,800 -	22,199
	22,200	-23,699
	23,700 -	-25,299
	25,300 -	27,099
55	27,100	28,899
	28,900	- 30,899
	30,900	32,999
	33,000 – 	- 35,299
51	35,300 -	37,699
50	37,700	40,199
	40,200 -	42,999
		- 45,899
7,	45,900 -	
46	49,100 – 	- 52,499
45	52,500	55,999
44	56,000 -	59,899
43	59,900 – –	-63,999
42		68,299
41	68,300 -	72,999
40	73,000 -	77,999
39 ——	78,000 –	83,399
	,	,- , - ,

//G:	Chandand	Size	Standard	
((Size	Standard Premium	Group	Premium	
Group Number	Range	Number	Range	
Number			-	
38	83,400 - 89,099	69	10,500 -	11,299
		68	11,300 -	12,099
36		67	12,100 -	12,999
35	107,000117,999	66	13,000 -	13,899
34	- 118,000 - 130,999	65	13,900 -	14,899
	- 131,000 - 144,999	64	14,900 -	15,899
		63	15,900 –	16,999
31	- 161,000 - 178,999	62	17,000 -	18,199
		61	18,200 -	19,399
		60	19,400 -	20,799
28	220,000 - 243,999	59	20,800 -	22,299
27	244,000 - 269,999	58	22,300 -	23,799
26		57	23,800 -	25,499
25		56	25,500 -	27,299
		55	27,300 -	29,199
		54	29,200 -	31,199
22		53	31,200 -	33,399
- 21 - 	- 453,000 - 501,999	52	33,400 -	35,699
		51	35,700 -	38,199
19		50	38,200 -	40,799
		49	40,800 -	43,699
- 17	- 684,000 - 758,999	48	43,700 -	46,699
16	759,000 - 841,999	47	46,700 -	49,999
15	842,000 - 932,999	46	50,000 -	53,499
14		45	53,500 -	57,199
	1,156,000 - 1,377,999	44	57,200 -	61,499
		43	61,500 -	66,399
- 11 -	-1,840,000 - 2,325,999	42	66,400 -	71,699
10		$\frac{\overline{41}}{10}$	71,700 -	77,399
9	-2,842,000 - 3,552,999	40	77,400 -	83,599
8	3,553,000 - 4,567,999	39	83,600 -	90,299
 7		38	90,300 - 97,600 -	97,599 105,999
		$\frac{\overline{37}}{36}$		115,999
5	8,475,000 - 12,659,999	36		127,999
- 4	12,660,000 - 20,919,999	35 34		140,999
3	20,920,000 - 41,109,999			
	41,110,000 - 113,899,999	$\frac{\overline{33}}{\overline{32}}$		153,999 169,999
	113,900,000 & Over))	$\frac{32}{31}$		186,999
Size	Standard			204,999
Group	Premium	30 29		224,999
Number	Range	$\frac{29}{28}$		247,999
<u>- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1</u>		27	248,000 -	271,999
84	\$ 2,600 - \$ 2,909	$\frac{27}{26}$	272,000 -	271,555 298,999
83	2,910 - 3,269	$\frac{26}{25}$		328,999
82	3,270 - 3,659	$\frac{23}{24}$		361,999
81	3,660 - 4,099	$\frac{24}{23}$		397,999
80	4,100 - 4,599	$\frac{23}{22}$		437,999
79	4,600 - 5,159	$\frac{22}{21}$		480,999
78	5,160 - 5,769	$\frac{21}{20}$		529,999
77	5,770 - 6,319	19	530,000 -	582,999
76	6,320 - 6,919	18	583,000 -	640,999
75	6,920 - 7,569	17	641,000 -	704,999
74	7,570 – 8,099	16	705,000 -	775,999
73	8,100 - 8,659	15	776,000 -	853,999
72	8,660 - 9,269	13	854,000 -	999,999
71	9,270 - 9,899	13		377,999
70	9,900 - 10,499	12		39,999
		12	1,5,0,500 1,0	,

Size Group Number	Standard Premium Range	<u>Size</u> <u>Group</u> <u>Number</u>	Standard Premium Range
11	1,840,000 - 2,325,999	4	12,660,000 - 20,919,999
10	2,326,000 - 2,841,999	3	20,920,000 - 41,109,999
9	2,842,000 - 3,552,999	$\overline{2}$	41,110,000 - 113,899,999
8	3,553,000 - 4,567,999	1	113,900,000 & over
7	4,568,000 - 6,064,999		
6	6,065,000 - 8,474,999		
5	8,475,000 - 12,659,999		

MENDATORY SECTION (Amending Order 82-5, filed 2/10/82)

TABLE II.

RETROSPECTIVE RATING PLAN A

BASIC PREMIUM RATIOS LOSS CONVERSION FACTOR = ((-705)) .617

Effective for the coverage period beginning July 1, ((1982)) 1983, through June 30, ((1983)) 1984

Maximum Premium Ratio:

1.10 1.15 1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.60 1.70 1.80 2.00

((84	.954	.944	.935	.923	915	.908	.902	.895	.890	.884	.871	859	.848	8:
- 83	.952	.940	.930 -	920 -	.911	.903	.896	.890 -	883 -	.876 –	.862	.848	.837	8
-82	.951	938	.927	.916 -	905	-897	.891	.883	.875	.868-	.853	839	.825	8 (
- 81	947	.935	922	.912	.901	894	:884	875	-868	.859	844	828 -	-:814	7
-80	946	.933	.919	.906	.895	.887	.878	.870	.861	.850	834	-818	803	7
79	944	.929	917	902	.892	.881	871	862	853	844	825	808 -	793	7
-78	943 -	926	.911	.899	886	.876	.865 -	.854	.845	.835 -	.814	797	.781 -	., 7
77	.942	924	.908 -	894	.882	.870	.859 -	847	836 -	.825	804	786	.770 -	., 7
76	-938	918	.903	.887	875	-865	.851	840-	.827	.817	.794	.776	.757	— <u>:7</u>
75	936	.917	899	.883	.870	858	844	832	.819	.807	784	763	.747	7
74	.935	.914	-894	.877	.865	850	.838	.824	.809	.798	.774	.753	.747 .735	 7
73	933	.909	.891	873	.858	843	:830	:815	.801	.788	:763	.741	.724 -	., .6
72	.927	906	.887	868	.853	.838-	.823 -	806	791	778 -	753	730	.724 – .712	
71	.926	900	881	.864	.847	.830 –	.814	.797	.791 .781	.7768	.740	719		6
70	.924 —	897	.877	.856	8 40	.823-	.805	788	772	.757	7 40	.719 .706	699 -	6
-69	922	.892	871	.852	835	.823 .817	.803 .797	.778	.762	.746	.718		.687	6
-68	.917	.889	868	.832 	827	809	.797 .787	.778 .769	.762 	.7 40 -	./10	.694	-676	6
-67		.886	.862	:8 39	.827 	801	.787 781	.759 .759	.732 - .741	.734 - .724	.707	.683	-664	.6
66	.913 .913	.880	.858 	.835	.820 — -:812	.792	.781 .772				.695	.671	651	6
65	.913 907	.877	.852	.833 .828	.812			750	731	.713	.683	658 -	.640	.6
- 64	.907 905					.783 -	.763	740	.720	.703	.670	646	.628 –	6
63	897	871 - .862	.845	.824	799	.775	.754 -	730	709	691	659	635 -	616	.5
	897 895		835	.809	.787	762	.737	.717	.695	.677	.647	.623	603 -	5
- 62		.858	825	.798	.772	747	.725	.702	.683 -	.664	634 -	610 -	591	5
61	:888	.849	.815	:787	.760	.734	709	.689	.670	.653	.622	.598 -	.579	5
-60	.885	-:841	.805	777	749	723-	.698	678	.656	:638	-:611	-586	566	-:5:
-59	.877	.831	.795	.761	733	.708	685	662	.644 -	627	596	.574 -	553 -	5
-58	.870	823	.785	.751	.723	696	.671	.651	.633-	.615 –	.585	.560 -	-540-	5(
57	867	.813	775	.740	.711	.684	660	.639	:618	.601	.572	-547	.525	4
-56	-859	.804	765	.730	.701	.674	.649	.626	.607	.590	561	-:533	.512	4
-55	.856	-:801	.755	720	686	660	.637 -	614	.595 –	.578 —	.546	.521 -	.497	4:
-54	.848	.791	746	.709	.676	648	.623	.603	-584	.567	534	508	484	.44
-53	.840	781	.735-	.694 –	.664	637	.612	.591	.569	.552	520	.493	469	.42
-52	:837	.772	726	.684	.654	.626 - 	-:600 -	577	558	540	507-	480	.455	4
-51	.828	.762	.710	.673	639 -	612-	.586	.565	.545	.527	.495	.465	440	.39
-50	820	753 -	.701	662	628 -	.600-	.574	.553	.531 —	.513	479	.451	427	.38
49	.810	.743	690	.652	.616	589	.563	-539	.519	.500	.467	-436	.411	36
48	.801	733	.680	637	.606	.574	551 -	526	507	.486	.451	423	.398	35
47	.792	.724	.669	.626	.591	.563	-:536	-:515	.492	.473	.439	.408	.382	32
46	.789	.714	.660	.615	580	.551-	.524 -	.499	.479	-:460	-:424	.395	.369 -	.32
-45	.780	.699	649	-604	.568	- :536	.509 —	.487	.464	445	410	380	.354	.32 .31
-44	.771	.688	634	.589	557	.523-	.507 .497	472 -	.451 ·	. 432	.395	-366		
43	761	.679	623	.578	.542	.512	. 485 -	. 4 72 459	436	.432 417	3 81	-366 -351	- .340	29
42	.753	668	.612	.567	530	.312 497	.469	.439 .444	.430	-404 	.366		325	.28
-41	.743	.659	.601	.555	514	- .484	.456	431	424 —- 407	.404		.337 -	.311 —	26
40	.733	648	.585	.540 -	.502	.468	. 430 -	.431	.395	.376	354 340	.322 .310	297 — 285	25

Maximum

Premium						1.20	1.25	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.33	1.40	1.43	1.50	1.00	1.70	1.00	2.00

Size														
Group ———								400	250	250	225	207	272	22
39 -	724	.637	574 -	527	.490	455-	.428 .412	.403 - .390 -	379 366 -	.359 .347	325 312 -	297 283	272 - 258	23 21
38 -	713 704	.621 - .610 -	563 - 545	.511 .498 -	.474 461	.440 427	. 4 12 399	.374 -	354 -	332 —	298	270	246	20
-37 - -36 -	.704 686	.610 .5 92	.5 34 -	.490 .482	.444 ···	.410	.383	.361	.337-	.319	.286	.259	:235	19
35 -		581	.517	.470	427	.398	370 -	345	.325	-:304	-:273	245 -	224	18
34 -	665	-564 -	.499—	.452	.414	.380	-:354	.333	.310	.291	.260	234	-:214	17
-33	.647	551	.486	.435 -	398	368-	.341 -	316 -	.297 -	280 -	:248	223 - 212 -	201 - 191	17 16
32	629	.533	.469	422 -	.384	352	325 312	304 - 288 -	.282 269	.264 252	236 - 222 -	212 	.181	15
31	.617	.516	.450 438 -	.404 - .387 -	368 351	338 322 -	312 	.275	:254	:240	.222 .211	.188	170	-:14
-30 -29	.599 580	.503 485	.438 .421	.387 -:374	337-	.306	283	.260	241	225 -	:199	177	160	13
- 28 -	.562 .562	467	403	.357	321 -	292	.266	:247	229	214	-:188	.167	150	-:12
27	:550	.449	.390 -	.339 —	.308	.276	254	232	.215	.201	.174	.156	.141	11
-26	.533	437 · -	.373	.327	290 -	.263	.238	.218	202	-:187	:163 -	146	131	.11
-25	.521	420	.355	.309	273	245	.221	.203	187 -	:174	151 -	135 :124	122 112 -	
24	512	.408	.342 -	.291	.260	.229	208	.190 174	.174 162 -	.160 148	- 141 - - 129 -	115	.112 :103	.09 .08
-23	.502	.391 -	.325	278 261	242 225	.216 .198	.193 179	162	102 147	.146 136	-::117	105	094	08
-22 - -21 -	.493 .484	380 362	.307 294	.201 .242	.212	185	.164	.149	.136	—. 125 —	.108	-:097	087	07
20 -	.465	342	.275	-224	194	.170	.151	137 -	.125	117	-:101	090	-:082	07
19	.446	322 -	.256	211	177	.157	.140	126	.116	107	094	085	.077	06
- 18	.426	-302	.237	.193	.165	143	.128	.116	.106	.099	.087	.079	073	06
17-	.398	283	.217	175 -	.149	.130	-116	.105 -	.097 –	090 -	079 -	073 -	068 -	06
16-	.370	257-	.199	162 -	.136	.119	104	.096	.088 -	.081	074 067	068 062	063 058	05
-15 -	.349	.236	.180	.145	121	104 093	.094 .084	.085 . 076	078 070	.074 .067	.067 	056	054	.0. .05
14-	320 -	.216-	.162 -144	.128 - .116 -	.108 .097	0 82	073	.070 067	.062	059	.054 .054	052	050	.04
-13 -	290 255	.191 170	.125	099	082	.072	.063	057	053 -	051 -	.048	046	:046	.04
11	234	.170 .151	112-	.087	071	061	.053	.049	.046	.044	.042	:041	041	04
-10		.132 -	.097-	.076	062	.054	.049	.046	.044	.043	.041	041	041	04
9	.177	.114	084	.067	.055	.051	046	.044	.042	.042 -	.041	041	041	04
8	:149	099	.074	058	051	.046	044	042	042 -	.041 -	041	041 041	041 041	.04
-7	129	.083	:063	052	.046	.044	.042 .041	.041 - .041	041 041	041	.041 :041	.041	.041	.0- 04
-6-	:108	071 057	.054 048	.047 .043	044 - 042	.042 041	.041 041	.041 041	.041 041	.041 .041	.041	041	041	 02
	089 .071	051	044	.043 042	.042 .041	041	041	.041	.041	.041	.041	.041	041	.0.
	054	.031 .044	.041	041 -	041	.041	041	041	.041	.041	.041	041	:041	.04
	-:045	041 -	.041	.041	041	.041	.041	.041	.041	.041	.041	.041	.041 -	0
1 -	:041	041 -	.041	.041	.041	041	.041	.041	041	.041	041	.041	.041	041
84	.954	.945	.934	.924	.916_	.909	.903	.897	.890	.884_	.872	.860	.848	.82
83	.953	.940	.931	.921	.911	.903	.897	.890_	.883_	.876	.862	.849_	.838	.8
82	.952	.938	.928	.916	.906	.898	.892	.884	.877	.868	.853	.840	.826	.80
81	.948	.935	.923	.913	.901	.893	.885	.877	.869	.860 .852	<u>.844</u> .834	.829 .819	.815 .805	.7: .7
80	.947	.932	.920	.907_	.897	.888	.879 .873	.870_	.860 .853	.843	.824	.808	.793	.7
79	.945	.930	.916 .912	.903 .898	.891 .887	.876	.866	.856	.844	.835	.815	.798	.783	.7:
78 77	.944	.927 .922	.909	.895	.881	.871	.859	.848	.836	.826	.805	.787	.771	.7
76	.938	.919	.904	.888	.877	.864	.853	.840	.829	.817	.795	.776	.759	.7
75	.936	.917	.900	.884	.871	.857	.845	.832	.821_	.807_	.785	.764	.748	.7
74	.935	.913	.895	.879_	.866	.852	.838	.823	.811	.798	.774	.753	.736	.7 .6
73	.934	.910	.892	.875	.860	.844	.830	.817	.803	.788	.764 .753	.742	.725 .714	. <u>0.</u> 6.
72	.928	.907	.886	.869	.853	.838	.822	.808	.784	.768	.743	.720	.701	.6
$\frac{71}{70}$.927 .925	.901 .898	.882 .877	.865 .858	.8 <u>48</u> .842	.832	.807	.790	.774	.758	.730	.707	.690	.6
70 69	.919	.893	.873	.852	.834	.817	799	.781	.765	.749	.719	.695	.678	.6
68	.917	.890	.867	.847	.829	.808	.789	.771	.754	.737	.708	.684	.667	.6
67	.916	.884	.863	.841	.822	.800	.781	.762	.744	.724	.696	.673	.654	.6
66	.910	.881	.858	.837	.814	.794	.772	.752	.731	.714	.686	.660	.642	.6
65	.908	.879	.854	.830_	.805	.786	.763	.743	.720	.703	.672	.648	.631	.6
64	.906	.872	.846	.823	.801	.777	.752	.732	.7 <u>10</u> .698	.692 .677	.660 .649	.637	.618	.5
63	.898	.863	.837	.811	<u>.786</u> .774	.761 .749	.740	.705	.683	.666	.637	.612	.595	5
62	.897	.860 .851	.827	.800 .789	.763	.737	.712	.690	.672	.654	.624	.600	.582	
60	.889 .881	.842	.807	.775	.748	.722	.698	.678	.659	.642	.612	.589	.568	.5
59	.879	.833	.797	.764	.736	.711	.686	.666	.645	.629	.600	.577	.556	.5
58	.871	.824	.787	.753	.726	.699	.674	.653	.634	.617	.587	.563	.544	.5
57	.868	.815	.777	.743	.711	.685	.660	.640	.622	.605	.575	.551	.529	.4
56	.860	.806	.767	.732	.700	.674	.650	.630	.611	.592	.563	.536	.516	.4

Maximum	
Premium	

Ratio: 1.05 1.10 1.15 1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.60 1.70 1.80 2.00

Size Group														
<u>55</u> 54	.853	.798	.758	.723	.690	.663	.638	.619	.597	.580	.549	.524	.501	.461
54	850	.788	.744	.709	.679	.652	.627	.604	.585	.568	.537	.511	.488	.446
53 52	.842	.779 .769	<u>.734</u> .724	.697	.668	.637	.613	.593	.574	.554	.525	.496	.472	.432
51	.830	.760	.713	.687	.654	.626 .616	.601	.581	.560	.542	.510	.484	.459	.415
50	.822	.750	.704	.666	.632	.604	.590	.567 .555	.548	.530	.497	.469	.444	.402
49	.812	.741	.693	.652	.620	.590	.564	.544	.522	.503	.483	.455	.431	.386
48	.804	.731	.683	.640	.606	.579	.553	.528	.509	.491	.457	.427	.402	.371
47	794	.721	.673	.630	.595	.567	.541	.517	.494	.476	.442	.412	.387	.342
46	.786	.712	.658	.619	.584	.552	.526	.505	.482	.464	.430	.398	.374	.329
45	.776	.702	.648	.604	.573	.541	.514	.489	.470	.449	.414	.384	.358	.314
43	.773 .764	.692	.637	.593	.558	.528	.499	.477	.454	.435	.401	.371	.345	.302
42	.755	.672	.611	.582	.546	.513	.487	.462 .450	.442	.420	.386	.356	.330	.288
41	.746	.662	.600	.556	.519	.486	.459	.434	.414	.408	.373	.342	.317	.274
40	.736	.652	.589	.544	.507	.473	.447	.421	.398	.379	.345	.327	.302	.262
39	.727	.636	.579	.528	.491	.458	.431	.406	.385	.364	.330	.302	.278	.236
38	.710	.625	.563	.516	.479	.446	.418	.393	.370	.351	.318	.288	.264	.226
37	.700	.614_	.550	.500	.463	.430	.402	.377	.358	.336	.302	.276	.252	.215
36 35	.690	.597	.533	.488	.450	.416	.390	.364	.342	.323	.291	.265	.241	.205
33	.679 .661	.585	.522	.462	.433	.400	.374	.349	.329	.311	.279	.251	.230	.195
33	.651	.550	.487	.458 .441	.416	.387	.360	.337	.314	.297	.267	.240	.218	.186
32	.633	.538	.474	.424	.387	.358	.332	.321	.302	.284	.254	.229	.209	.177
31	.615	.521	.456	.411	.375	.341	.316	.296	.275	.258	.242	.218	.198 .188	.168
30	.603	.503	.439	.394	.358	.329	.303	.281	.262	.246	.217	.195	.177	.151
29	.584	.490	.427	.377	.340	.313	.287	.267	.247	.231	.206	.184	.168	.142
28	.566	.472	.409	.363	.328	.296	.271	.252	.235	.219	.194	.173	.158	.134
27 26	.548	.454	.392	.346	.311	.284	.259	.240	.223	.208	.183	.163	.149	.127
$\frac{26}{25}$.538	.443	.379 .361	.329 .316	.298	.266	.243	.225	.208	.193	.171	.153	.139	.118
24	.509	.408	.344	.299	.264	.253	.229	.196	.195	.181	.159	.143	.130	.111
23	.500	.397	.332	.282	.250	.221	.201	.183	.169	.155	.148	.133	.120	.103
22	.491	.386	.314	.268	.233	.207	.185	.169	.156	.144	.126	.113	.112	.096
21	.489	.369	.296	.250	.216	.191	.172	.156	.143	.134	.117	.105	.096	.084
20	.470	.349	.278	.232	.203	.178	.160	.146	.134	.124	.109	.099	.091	.081
19	.451	.329	.259	.215	.186	.164	.147	.135	.123	.115	.102	.094	.086	.077
18	.424	.304	.240	.201	.171	.152	.135	.125	.115	.107	.097	.088	.081	.074
16	.377	.265	.203	.184	.158 .142	.139	.125 .114	.115 .105	.105	.098	.089	.081	.078	.070
15	.348	.244	.184	.153	.130	.114	.103	.094	.087	.091	.082	.077 .071	.073	.067
14	.320	.219	.171	.137	.117	.102	.094	.085	.079	.076	.070	.066	.064	.064
13	.292	.199	.153	.125	.103	.092	.081	.077	.072	.068	.063	.061	.060	.058
12	.263	.179	.135	.109	.092	.081	.072	.067	.063	.060	.058	.056	.055	.054
11	.235	.160	.118	.097	.080	.069	.062	.059	.056	.054	.052	.051	.051	.051
10 9	.207	.141	.106	.086	.072	.064	.059	.056	.054	.053	.051	.051	.051	.051
8	.186	.123	.094	.077	.065	.060	.056	.054	.052	.052	.051	.051	.051	.051
7	.138	.093	.071	.061	.060	.056 .054	.054	.052	.052	.051	.051	.051	.051	.051
6	.113	.078	.064	.057	.054	.052	.052	.051	.051	.051	<u>.051</u> 	.051	.051	.051
5	.094	.067	.058	.053	.052	.051	.051	.051	.051	.051	.051	.051	.051	<u>.051</u> .051
4	.080	.059	.053	.052	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051
3	.064	.054	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051
2	.055	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051
1	.051	.051	.051	.051	.051	.051	.051	.051	051	.051	.051	.051	.051	.051

AMENDATORY SECTION (Amending Order 82-5, filed 2/10/82)

WAC 296-17-91902 · TABLE III.

RETROSPECTIVE RATING PLAN B BASIC PREMIUM RATIOS AND LOSS CONVERSION FACTORS

Effective for the coverage period beginning July 1, ((1982)) 1983, through June 30, ((1983)) 1984

лахіп	ium Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50		1.70	1.80	2.
Size															
roup															
<u> </u>	De de Desertion Design	998	.997	.995	993-	991	990	:988	.986	.984	983	.979	976	.972	<u>.</u> 9
(84	Basic Premium Ratio Loss Conversion Factor	.002	.003 -	005	007	-:009	010 -	012	.014 -	016 -	017	.021	.024	028 -	0
_			996	.994	.993	.991	989	987-	.985	.983	.981	978	.974	.970	9
3	Basic Premium Ratio Loss Conversion Factor	990	.004	. 994 006	. 993 . .007	009	011	.013-	.015	.017	019	022	026	.030	0
									.984	982 -	980	.976	972	.968	
2	Basic Premium Ratio	.998	996 .004	.994 .006	992 - 008	990 -	.988 -	986 014	. 984 . 016	. 	980 020	024	028	032	
	Loss Conversion Factor	002										.974		.966	
1	Basic Premium Ratio	.998	.996	994	991 -	989 -	.987	985 015	983 .017	981 - - .019 -	979 - 021	.9/4 026	970 030	. 900 034	
	Loss Conversion Factor	002	004	.006	-:009	.011	013-								
0 -	Basic Premium Ratio	.998	.995	993 -	991 -	.988	.986	.984	.982 -	979 -	.977-	972	.968	963	—_! —_!
	Loss Conversion Factor	.002	.005	007 -	009 -	.012	014	.016	018	021	.023	.028	032	037	-
9	Basic Premium Ratio	998	995	993 -	.990	988 -	985	983 -	.980	.978	.975	.970	965	960 -	
	Loss Conversion Factor	002	.005	.007	010-	.012	.015	.017 –	020 -	022	025	 :030	035	040 -	(
8	Basic Premium Ratio	997	995	.992	.989	987-	.984	.981	.979	.976	.973	968	963	.957	•
	Loss Conversion Factor	.003	.005	008	011	.013	.016 -	019	021	024	027	.032	.037	.043	•
-	Basic Premium Ratio	997	994	.991	.989	986-	.983	.980	.977	.974	.971	966 -	960	.954	- .
7	Loss Conversion Factor	003	.006	-:009	011-	014	.017	020	023 -	026	029	.034	040	.046	
			- 994	.991	.988	985	.982	.978	.975	.972	969	:963	957 -	951	
6 —	Basic Premium Ratio Loss Conversion Factor	.003	.99 4 .006	009 	012	.985	.982 018	022 -	.025 -	028 -	031	037	.043	.049	
								.977	.973	970 -	967-	960 -	.954	.947-	
5	Basic Premium Ratio	.997	.993	.990	987 - 013	.983 017-	.980 .020	.977 .023	.973 .027	970 030	907 :033	:040	.934 -:046	053	
-	Loss Conversion Factor	003	007	.010											
4	Basic Premium Ratio	.996	993	989 -	.986	.982	.979 -	975	.971	968 -	.964 -	957 043	.950 .050	.943 .057	
	Loss Conversion Factor	:004	007 -	.011	.014	.018	021 -	.025	.029	.032	.036		030	.037	
3—	Basic Premium Ratio	996	.992	988	985	.981	.977	973 -	.969	965	962	.954	946 -	938-	
	Loss Conversion Factor	.004	008-	.012	:015	019-	023	.027	.031	.035	.038	.046	054	.062	
2	Basic Premium Ratio	996	992	988	983	.979	975 -	971 -	967	.963	.959	950 -	.942	.934	
	Loss Conversion Factor	.004	008	.012	.017	021 -	.025	.029	:033	.037	.041	-:050	058	066	
			.991	987	982	.978	973 -	969	:964	960	955	946-	.938	.929-	
'I -	Basic Premium Ratio Loss Conversion Factor	.004	009 -	987	982 018	.022		031	036	040	045	054	.062	071-	
									061	.957	.952	.942	.933	923	
70	Basic Premium Ratio	995	.990	.986	981 -	976- 024 -	971 .029 -	.966 .034	.961 039		.932 048		.933 .067	.923 .077	
	Loss Conversion Factor		.010	.014											
59	Basic Premium Ratio		990-	984	.979	974 -	969	.964 -	.959	.953	948 052	938 062	927 073	917 083	
	Loss Conversion Factor	.005	010	016 -	021	026	031	036	041	047	.032				
58	Basic Premium Ratio	.994	.989	983	978	.972	.966	.961	.955	950	944	.933	922-	.910	
	Loss Conversion Factor	.006	.011	.017	022	.028	034	.039	.045	050	056 -	067	078	090	
57—	Basic Premium Ratio	.994	988	.982	.976-	.970	.964	.958	.952	.946	.940	.927	915	.903	
	Loss Conversion Factor		012	.018	.024	030	-036-	.042	.048	.054	060	073	085	097	_
	Basic Premium Ratio		.987	.980	.974	-967-	.961	.954	948	941	.935	.922	.909	.895	
56 -	Loss Conversion Factor		.987 013				039			.059			.091	105	
				•			.958	.951	.944	.936	.929	915	.901	887	
55	Basic Premium Ratio		.986 .014	.979 .021	972 028		.938 042				.929	.085			
	Loss Conversion Factor														
64	Basic Premium Ratio		.985					946			924 076		893 107		
	Loss Conversion Factor	.008	015 -	.023	031		.046								
53 -	Basic Premium Ratio	.992	.983	.975	.967								.884		
	Loss Conversion Factor		.017	.025	033	041	.050	.058	.066	075	083	099	:116	.133	_
62	Basic Premium Ratio		.982	973	.964	.955	.946	937	.928	.919	910	.892	.874	856	
UZ —	Loss Conversion Factor		-:018				054					.108			
	2500 25 2.51011 1 44401	,			_										
61-	Basic Premium Ratio	990	981-	971	961	0.6.1	043	932		_012	003	002	864	- RAA	

1.30 1.35

1.40

1.45

1.50

1.60

1.70

1.15 1.20 1.25

1.05

Maximum Premium Ratio:

1.80

2.00

			1.10		1.20	1.23	1.30	1.33	1.40	1.43	1.30	1.00	1.70	1.80	2.00
Size															
Grou	p -														
60-	Basic Premium Ratio	.989	.979	968	.958	.947	937	.926	.915 -	905	.894	.873	.852	831	.788
	Loss Conversion Factor	.011	.021	032	.042	:053	.063	.074	.085	095	.106-	127 -	148	.831 169	.768 .212
59 –	Basic Premium Ratio	.988	977	-965	954	.942	931	919	.908	896	885	.862	.839	.816	. 770
	Loss Conversion Factor	.012	.023	.035	046-	.058-	- :069	.081	.092	.104	.115	138	.161	.184	230
58	Basic Premium Ratio	.987			.950	.937	.925	.912	.900	887	.875	.850	.825	.800	.750
	Loss Conversion Factor	.013	.025	.038	050	063	.075	.088	.100	.113	:125	.150	175	.200	.250
57 —	Basic Premium Ratio	.986	973			.932	.918	904	.891	.877	.863	.836-	808	781	.726
	Loss Conversion Factor	.014	.027	- :041	055	068	.082	096	.109	.123	137	.164	192-	219	274
56-	Basic Premium Ratio Loss Conversion Factor	.985		955 -		. 925 075	.910 -	895 -	880	865	.850 -	.820	.790	.760	701
								.105	120	135	.150	.180	-:210	.240	299
55	Basic Premium Ratio Loss Conversion Factor	.983	967 033	950 050	.933 067	.917 - .083 -	900 - 100	883 117	.867 .133	850- 150-	833 167	.800 - .200	767 233-	733 267	.667
54 -	Basic Premium Ratio	.982	.033 964	.050	929	_									
	Loss Conversion Factor	.982 -018	.904	.053	929 071	.911 .089-	.893 .1 07	.875 .125	858 142	.840 .160-	.822 .178	.786 .214	.751 .249	.715	644 - .356
53	Basic Premium Ratio	.981	.962	943-	924	905	.886	.867	.848	829		.772			
	Loss Conversion Factor	019	.902 038-	943 057	.92 4 .076-	095	.114	.133	.848 :152	.171	.810 .190	.772	.734 .266	.696 .304	.620
52	Basic Premium Ratio	.980	960-	939	.919	.899-	.879 -	.858	.838-	.818	.798	757	717	.676	595
	Loss Conversion Factor	020	.040	.061	081	.101	.121-	.142-	-:162	.182 -	202	.243 -	283	324	.393 .405
51-	Basic Premium Ratio	.978	.957	.935 -	913	892	.870	.848	827	.805-	783	.740	.696	653	:566
	Loss Conversion Factor	022	043	.065	087	.108	.130 -	.152	.173	.195-	.217	.260	304	347	.434
50-	Basic Premium Ratio	.977	.954	.930 -	.907	.884	-861	.838-	:815	.791	768	.722	.675	:629	.536
	Loss Conversion Factor	.023	:046	070	.093	.116	139	:162-	.185 -	.209	.232-	.278	325	.371	464
19	Basic Premium Ratio	975	951	.926	901	.876	.852	.827	.802 -	-:777	.753	703	.654	.604	-:505
	Loss Conversion Factor	.025	.049	.074	.099	-124	.148	.173	198	.223	.247	.297 -	.346	.396	.495
18	Basic Premium Ratio	973	.947	920	.894	.867	841	.814	788	.761 -	.735	:682	629	.575	.469
_	Loss Conversion Factor	.027	.053-	080	.106 -	-:133	.159	.186	-:212	.239-	265	.318	:371	.425 -	.531
17	Basic Premium Ratio Loss Conversion Factor		943 057	.915 .085-	886 114	.858 .142	830 170	.801 199	.773 -	745	716	.659 -	.603	-546	.432
										255	.284 -	-341	.397	454	.568
6	Basic Premium Ratio Loss Conversion Factor		.939 .061	909 - 091 -	.878 - .122 -	848 152	.817 – .183 –	787 - 213 -	.756 -	726 274	.695 .305	634 - .366 -	.573 - .427 -	.512 .488 -	390
15	Basic Premium Ratio	.967-	935	.902	869	.132 837	804						– .		
	Loss Conversion Factor	.907-	.065	.902 098	.131	.837~	.196	.771 - .229 -	739 .261	706 – 294 –	673 - .327	608 - 392 -	.543 .457	.477 - 523	347 653
4-	Basic Premium Ratio	.965	930 -	.894	.859	.824	789	.754	719	.683	.648	.578	-508-	.437	.297
	Loss Conversion Factor		.070	.106	.141	.176	.707	246	281	317	.046 .352	.378 .422 -	.308	.437 .563 -	703
13	Basic Premium Ratio	.962	-925	887	.849 -	812	774	.736	.698	.661	.623	.548	.472	.397	246
	- Loss Conversion Factor	.038	075	.113	.151	.188-	.226	:264	302	.339-	-:377	.452	.528	603	.754
12	Basic Premium Ratio	.959	.919 -	.878	.838	.797	.756	.716	.675	.635	.594	.513	.431	.350 -	.188
	Loss Conversion Factor	.041	.081	.122	.162	.203	.244	.284	.325	365	.406	.487	569	.650	.812
1	Basic Premium Ratio	.957	913-	870	.826	783	.739	.696 -	652	.609	.565	.478	391	.304 -	130
	Loss Conversion Factor	.043	.087	.130	174	.217	.261	.304	348	.391	.435	522	.609	696	.870
10-	Basic Premium Ratio	.953	.906	860	.813	.766	719	.672	625	.579	.532	.438	.345	.251	.064
	Loss Conversion Factor	.047	.094	.140	.187	.234	.281	-:328	.375	-421-	.468	.562 -	655	.749	936
9 -	Basic Premium Ratio	.950	900	.850 -	800	.750	-700	.650	.600 -	550	.500 -			.200	000
	Loss Conversion Factor	.050	.100	.150 -	200	.250	300	.350	400	450	500	600	.700	.800	1.000
8	Basis Premium Ratio Loss Conversion Factor	946 054	.893 - .107	839 161 -	785 215	732 268 -	. 678 - 322	-:624 - :376 -	.571 - .429	.517 .483	.464 .536	.356	.249	142	.000
_												644		.858	.976
7 -	Basic Premium Ratio Loss Conversion Factor		.884 - 116	.826- 174	.769 .231	711 289	.653 .3 4 7	595 405	.537 .463	479 521	.421	.306 .694		074 - - .926	953
<i></i>	- Basic Premium Ratio	.938					-								
6	- Loss Conversion Factor		.876 .124	.815 - .185 -	753 247	.691 - .309 -	629 371	568 432	.506 - .494	.444 .556	382 618	.259 .741	.135 .865	.012 .988	000 - .933
5	- Basic Premium Ratio		868	.801	.735 —	669	.603	536	.470		338	· · · · -	.005 073 -	000	000
	Loss Conversion Factor	.066	132 –	.801 .199 -	.755	.331	397	.330 .464	. 470 :530		662		.927	.000	.000 .915
4	Basic Premium Ratio	.929	.857	.786	.715	.643	572	:500	.429	.358	.286	.144	.001	.000 -	.000
	Loss Conversion Factor	.071 -	143 -	:214	.285	.357	428	.500	571	.642	.714 -	.856	.9 99	.957 -	.8 98
3	- Basic Premium Ratio -	.923	.845	.768	.691	.613-	.536	.458	381	.304	.226	.072	000	.000 -	.000
	Loss Conversion Factor	.077	.155	232	.309	.387	464	.542 -	-:619			.928	.974	.937 -	.884

Maxim	um Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.0
Size															
roup															
2 —	Basic Premium Ratio	- 916 -	.831	.747	:662	.578	.493-	409	.324	240	.155	.000-	000	000	00
	Loss Conversion Factor		.169	.253	.338	422	.507	:591	676 -	760	845	996	951	.917-	.8
	Basic Premium Ratio	.909	.819	.728 -	637-	546	.456	-365	274	183 -	093 -	000	000	-000	0
_	Loss Conversion Factor		.181	.272	363 -	454	.544	.635	.726	817 -	- :907 -	913	.931	.900	:8
	Basic Premium Ratio	899 -	.799	.698	597-	497 -	.396	.295	195 - 805 -	094 - - .906 -	000 -1.000	000 - 950 -		000 883	8
	Loss Conversion Factor	.101	.201	.302	403	.503	.604	705 -							 e
—	Basic Premium Ratio	890 .110	781 219	671 – 329 –	561 439	.451 549	342 658	232 768	122 878	013 987	000 975	000 - .927	000 -	000- 869-	c
	-Loss Conversion Factor				. .518	.3 98 -	277	:157	.036	000	000	000	000	000	(
	Basic Premium Ratio Loss Conversion Factor	.880 -	.759 .241	639 - 361 -	.510 482	602 -	723	.843	.030 .964	.9 78	950	.907	876	.854	<u>;</u>
		.866	.2.1. 733	5 99	.465	332 -	.198	.065	000	000	000	000 -	000	000	(
	Basic Premium Ratio Loss Conversion Factor	.134	267	401 -	. 535	.668	.802-	.935	.985	953 -	927	889	.861	.841	(
	Basic Premium Ratio	856	.712	.568	.424	.279	.135	000	000	.000	-:000	000	000	.000	(
	Loss Conversion Factor	144	.288	-432	576	.721	.865	995	.959	.929 -	906	.871	.847	.828	
	Basic Premium Ratio	837 -	.673	.510	.347	:183	.020	000	000	.000	.000	000	000-	-:000-	(
_	Loss Conversion Factor	.163	.327	.490	.653	.817	.980	.966	933	907	887	.855	.832 -	816-	
	Basic Premium Ratio	.821	.641	.462	.283	104	000-	000-	.000	000-	000-	000-	000		
	Loss Conversion Factor	.179	359 -	538-	.717	.896	.980	.942	-:911	888	868	.839	.820		
, 	Basic Premium Ratio	801	:603	-:404	.205	007	000 954	.000 -	000 - 889 -	000- .867	000 - 851	000 825	000 808	795 -	
_	Loss Conversion Factor	.199	.397-	.596	.795	993									-
	Basic Premium Ratio	.777	555 - 445 -	332 - - .668 -	109 891	.000 .974	.000 . 926	.000 .895	000 869		000 834	000 812		000 - .785	
	Loss Conversion Factor									000	000	000	000	.000	
	Basic Premium Ratio	763	526 474	.289 .711	052 - .948	.000 -	.000 -		852	.834	000 821	801	000 - .787 -	.000 .778	
	Loss Conversion Factor	.25	• • • •			.000	000	.000	000-	.000	000-	000-	000-	000	
)	Basic Premium Ratio Loss Conversion Factor	728 - .272	456 - - .544	183 - 817 -	000 977 -	.000 919 -	882	855 855	835	821	809	.793	782	.773	:
		706	.412-	.118	.000	.000	000	000	000	.000	.000-	.000	.000	000	
	Basic Premium Ratio Loss Conversion Factor	.700	.588	.882	.946	895	861	838	-821	809	.799	.785	.774	768	
3	Basic Premium Ratio	.650	300	000	000-	.000	.000	.000	.000-	000-	000-	000-	000	.000	
	Loss Conversion Factor	.350	.700	:995	.916	.872	.843	.824	.808	.798	.790	:777	.769	.763	-
7	Basic Premium Ratio	.613	.226	000-	.000	.000	.000	000	.000	.000	000-	000	000	000	
	Loss Conversion Factor	.387	774	.956	.889	.852	.826	.808-	797	788	780	770	764	.759	-
6	Basic Premium Ratio	.568	.135	.000	.000	000	.000	000	.000	.000	.000	.000	.000-	000	
	Loss Conversion Factor	.432	.865	.923	.868	.834	811	.797	.786	.778	:772	.764	.759	.755	
5	Basic Premium Ratio	510	-:020	:000				000	000		764	000	000 753	000 750 -	
_	Loss Conversion Factor	.490	.980	.892	846	816	.798	.785	.776	.770					
4	Basic Premium Ratio	.332-	.000	000	000	802	000 785	000- :775	000 766	000 761	000-	000 752	000 749	000	
	Loss Conversion Factor	.668	950	.868								000	000		
3 -	Basic Premium Ratio Loss Conversion Factor	.183 	909	845	.000		000- 774-		000 -		000 750		744	.000 :742	
							000	000	000	000	000	.000	.000	.000	
2	Basic Premium Ratio Loss Conversion Factor	058 942	000 877	.000 .822	.000 .793	.000 .775	.763	.000 .755	.750-	.747	.000 744-	742-	741	739	
		.000	000	000		000	000	000	-:000	000	000	.000	.000	.000	_
1	Basic Premium Ratio Loss Conversion Factor	963	000 852	.805 -		.763	.754	.000 .746	.743	.739		.736	735	735	
0	Basic Premium Ratio	.000	000	.000	000	000	.000	.000	000	000	.000	.000	.000	.000	
	Loss Conversion Factor	.919	.828	.789	768	756	:747	.743	.739	.738	.736	.736	.735	.735	
	Basic Premium Ratio	000	000	000	000	000	.000	:000	.000	000	000	000	000	000	
	Loss Conversion Factor	.878	.807	.776	.759	.749	.743	.739	.738	.736	.736	.735	.735	.735	
	Basic Premium Ratio	.000	:000	.000	.000				.000						
	Loss Conversion Factor	.847	789	.765	.751	744	.740	.738	.736	.736	735	735		.735	
	Basic Premium Ratio	.000-	000	000			.000								
	Loss Conversion Factor	.819	.774	755	745	:740	738	.736	.736	.735	.735	735		735	
	Basic Premium Ratio	-:000	:000	.000			000								
	Loss Conversion Factor	.796	761	747	.740			735							
	-Basic Premium Ratio	.000	.000	.000										:000	
	Loss Conversion Factor	.776	.750	741	737	.736	.735	.735	.735	735	.735	.735	:735	735	

1.05 1.20 Maximum Premium Ratio: 1.10 1.15 1.25 1.30 1.35 1.40 1.45 1.50 1.60 1.70 1.80 2.00 Size Group Basic Premium Ratio ana ana AAA AAA AAA 000 AAA 000 AAA 000 AAA -000 - nnn AAA .738 Loss Conversion Factor 736 735 735 735 735 735 735 735 Basic Premium Ratio .000 000 000 000 000 000 000 -nnc nne -nnn ooc .000 .000 000 747 738 736 735 735 Loss Conversion Factor 735 735 724 72 726 734 734 774 775 Basic Premium Ratio - nnn 000 ana AAA 000 000 000 .000 nor 000 000 000 000 .735 .735 739 735 735 735 735 735 Loss Conversion Factor .735 $\frac{735}{1}$ 735 735Basic Premium Ratio 000 000 000 000 000 000 ana 000 ana ^^ 200 -nnn 000 000 Loss Conversion Factor .735 735 735 735 734 735 739 735 735 735 735 735 735 7351) 84 **Basic Premium Ratio** 997 994 991 988 986 .983 980 977 974 971 965 960 954 942 .003 .009 .014 .020 .023 .006 012 .017 026 029 046 Loss Conversion Factor 035 040 .058 .997 991 **Basic Premium Ratio** 994 988 985 981 978 975 972 .957 .938 83 969 963 951 .003 .006 .009 .012 .015 .019 .022 .025 Loss Conversion Factor .028 .031 .037 .043 .049 .062 82 Basic Premium Ratio 997 993 990 987 983 980 977 974 970 967 960 954 .947 934 .007 .017 Loss Conversion Factor .003 .010 .013 020 023 .026 .030 .033 .040 .046.053 .066996 .986 993 989 982 979 .975 **Basic Premium Ratio** 972 .968 .965 957 .950 943 929 81 Loss Conversion Factor .004 .007 .011 014 .018 021 .025 .028 .032 .035 .043 .050 .057 .071 80 .996 .992 **Basic Premium Ratio** .989 985 981 977 973 .970 .966 .962 954 947 939 924 .004 กกร .011 .015 .019 .027 .030 Loss Conversion Factor .023 .034 .038 .046 .053 .061 .076 79 **Basic Premium Ratio** 996 992 988 984 .980 976 .971 .967 .963 959 951 943 .935 919 Loss Conversion Factor .004 .008 .012 .016 .020 .024 .029 .033 .037 .041 .049 .057 .065 .081 78 Basic Premium Ratio .996 991 .987 983 978 974 969 965 961 956 948 939 930 913 Loss Conversion Factor .004 .009 .013 .017 .022 .026 .031 .035 .039 .044 052 .061 070 .087 77 Basic premium Ratio 995 991 986 981 977 972 .967 .963 .958 953 944 935 925 907 .005 .009 .014 .019 .023 .028 .033 .037 .042 .047 .056 065 075 .093 Loss Conversion Factor .990 .985 980 975 .900 Basic Premium Ratio 995 970 965 960 955 950 940 930 920 76 .005 .010 .015 .020 .025 .030 .035 .040 .045 Loss Conversion Factor .050 .060 .070 080 100 <u>7</u>5 Basic Premium Ratio 995 .989 984 979 973 968 .962 957 952 946 936 925 914 893 .005 .011 .016 .021 .027 .038 .043 .032 .048 054 075 064 .086 .107 Loss Conversion Factor Basic Premium Ratio 994 989 983 977 971 966 960 954 948 943 .931 920 908 .885 74 .011 .017 .023 .029 .034 .040 .052 Loss Conversion Factor .006 046 .057 .069 .080 .092 .115 994 .988 .982 975 914 73 Basic Premium Ratio 969 963 957 945 938 .926 902 877 .006 .018 .025 .031 .037 043 049 .055 Loss Conversion Factor .012.062.074 .086 .098 .123 Basic Premium Ratio 991 .987 980 974 .967 .960 954 947 .941 .934 .921 .908 895 868 Loss Conversion Factor .007 .013 .020 .026 .033 .040 .046 .053 .059 .066 .079 .092 105 .132 Basic Premium Ratio 993 .986 979 972 .965 958 951 943 .936 .929 915 .901 887 859 71 .007 .021 .057 .014 .028 .035 .042 049 .071 Loss Conversion Factor .064 .085 .099 .113 141 985 70 Basic Premium Ratio 992 .977 .970 .962 955 947 939 932 924 909 .894 .879 .848 .008 .015 .023 .030 .038 .045 .053 .061 .068 .076 .091 Loss Conversion Factor .152 .106.121984 .976 .968 .959 935 927 919 69 992 951 943 903 .887 .870 Basic Premium Ratio 838 .008 .016 .024 .032 .041 049 .057 .065 .073 .097 Loss Conversion Factor .081 $.1\overline{13}$ 130 162 Basic Premium Ratio 991 983 .974 .965 957 948 939 930 922 896 .878 .861 .826 68 .009 .017 .026 .035 .043 052 .070 .078 .087 .061 .104 .122 Loss Conversion Factor .139 .174 991 981 972 963 953 944 935 926 916 907 .888 67 Basic Premium Ratio .870 .851 814 019 .028 .047 .084 Loss Conversion Factor .009 .037 .056 .065 .074 093 112 .130 149 .186 **Basic Premium Ratio** 990 980 970 960 950 940 930 920 910 900 880 860 840 .800 66 .030 .010 .020 .050 .060 .070 .080 090 Loss Conversion Factor .040 .100 .120 140 160 .200 989 979 .968 957 .946 .936 925 914 903 893 .871 850 828 785 Basic Premium Ratio 65 Loss Conversion Factor .011 .021 .032 .043 .054 .064 .075 .086 .097 .107 129 150 172 .215 989 .977 .966 954 .943 .931 920 908 897 885 862 839 770 **Basic Premium Ratio** 64 816 .011 .023 .034 .046 .057 .069 .080 .092 103 115 138 230 Loss Conversion Factor 161 184 Basic Premium Ratio 988 975 .963 951 .938 926 914 902 889 877 852 828 803 754 63 .025 .037 .049 .074 .086 .123 .012 .062 .098 111 148 246 Loss Conversion Factor 172 .197 987 974 960 947 934 921 908 894 881 868 Basic Premium Ratio 841 815 789 .736 62 .026.040 .053 .079 .092 106 Loss Conversion Factor .013 .066 119 132159 185 .211 264 Basic Premium Ratio .986 972 943 915 901 886 872 858 830 801 .773 716

071

.085

.099

.128

.114

142

170

199

227

284

.057

.028

.014

.043

61

Loss Conversion Factor

Maxim	num Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
60	Basic Premium Ratio Loss Conversion Factor	.985 .015	.969	.954 .046	.939	.924 .076	.908	.893	.878	.863	.847	.817	.786	.756 .244	.695 .305
59	Basic Premium Ratio	.984	.967	.951	.934	.918	.901 .099	.885	.868	.852	.835	.802	.769	.736 .264	.670
58	Loss Conversion Factor Basic Premium Ratio	<u>.016</u> .983	.965	.049 .948	.066 .930	.913	.895	.115 .878	.860	.843	.825	.790	.755	.720	.651
	Loss Conversion Factor	.017	.963	.052	.070 .926	.087 .907	.105 .889	.122	.140 .851	.157 .833	.814	.210 .777	.245 .740	.280 .703	.349 .629
57	Loss Conversion Factor	.981 .019	.037	.056	.074	.093	.111	.130	.149	.167	.186	.223	.260	.297	.371
<u>56</u>	Basic Premium Ratio Loss Conversion Factor	.980 .020	.960 .040	.941 .059	.921 .079	.901 .099	.881 .119	.861 .139	.841 .159	.822 .178	.802 .198	.762	.723 .277	.683	.604 .396
55	Basic Premium Ratio Loss Conversion Factor	.979 .021	.958	.937 .063	.916 .084	.894 .106	.873 .127	.852 .148	.831 .169	.810 .190	.789	.747	.705 .295	.662	.578 .422
54	Basic Premium Ratio	.977	.955	.932	.909	.886	.864	.841	.818	.795 .205	.773 .227	.727	.682	.636	.545
53	Loss Conversion Factor Basic Premium Ratio	.023	.045 .951	.927	.902	.114 .878	.853	.829	.805	.780	.756	.707	.658	.609	.511
	Loss Conversion Factor	.024	.049	.921	.895	.122 .869	.147	.171 .817	.195	.764	.738	.685	.633	.391 .581	.489 .476
52	Basic Premium Ratio Loss Conversion Factor	.026	.052	.079	.105	.131	.157	.183	.210	.236	.262	.315	.367	.419	.524
51	Basic Premium Ratio Loss Conversion Factor	.972 .028	.943 .057	.915 .085	.887 .113	.859 .141	.830 .170	.802 .198	.774	.746	.717	.661 .339	.604	.452	.435 .565
50	Basic Premium Ratio Loss Conversion Factor	.970 .030	.939	.909 .091	.879 .121	.848	.818 .182	.787	.757	.727	.696	.636	.575 .425	.514 .486	.393
49	Basic Premium Ratio	.967	.934	.902	.869	.836	.803	.770 .230	.737 .263	.705 .295	.672 .328	.606	.540 .460	.475 .525	.343
48	Loss Conversion Factor Basic Premium Ratio	.033 .965	.066 .929	.098 .894	.131 .859	.823	.788	.753	.717	.682	.647	.576	.505	.435	.293
	Loss Conversion Factor	.035	.071 .924	.106 .887	.141	.811	<u>.212</u> .773	.735	.698	.660	.622	.547	.495 .471	.395	<u>.707.</u> .244
<u>47</u>	Basic Premium Ratio Loss Conversion Factor	.038	.076	.113	.151	.189	.227	.265	.302	.340	.378	.453	.529	.605	.756
46	Basic Premium Ratio Loss Conversion Factor	.959 .041	.919 .081	.878 .122	.837	.797	.756 .244	.716 .284	.675 .325	.634	.594 .406	.512 .488	.569	.350 .650	.187 .813
<u>45</u>	Basic Premium Ratio Loss Conversion Factor	.956 .044	.912	.868	.824	.780 .220	.736	.693 .307	.649 .351	.605 .395	.561 .439	.473 .527	.385 .615	.297 .703	.122 .878
44	Basic Premium Ratio Loss Conversion Factor	.953	.906	.859	.812	.764	.717	.670	.623	.576	.529 .471	.435 .565	.659	.246	.058
43	Basic Premium Ratio	.949	.898	.848	.797	.746	.695	.645	.594	.543_	.492	.391	.289	.187	.000
42	Loss Conversion Factor Basic Premium Ratio	.051 .946	.102 .892	.152 .837	.783	.729	.305 .675	.621	.406	.457 .512	.508 .458	.609 .350	<u>.711</u> .242	.813	.995
	Loss Conversion Factor	.054	.108	.163	.217	.271	.325	.379	.433	.488	.542	.650	.758	.867	.963
41	Basic Premium Ratio Loss Conversion Factor	.059	.882	.823	.764	.705 .295	.355	.586	.527 .473	.532	.409 .591	.709	.173 .827	.945	.933
40	Basic Premium Ratio Loss Conversion Factor	.937 .063	.874 .126	.811 .189	.748 .252	.684 .316	.621 .379	.558 .442	.495 .505	.432 .568	.369 .631	.243 .757	.117 .883	.000 .997	.000 .907
39	Basic Premium Ratio Loss Conversion Factor	.932	.864	.795	.727	.659	.591 .409	.523 .477	.455 .545	.386	.318	.182	.045	.000 .964	.000
38	Basic Premium Ratio	.927	.853	.780	.707	.633	.560	.487	.414	.340	.267	.120	.000	.000	.000
37	Loss Conversion Ratio Basic Premium Ratio	.073 .921	.147 .841	.220 .762	.683	.367 .604	.440 .524	.513	.366	<u>.660</u> .287	.733	.880	.000	<u>.937</u> .000	.862 .000
	Loss Conversion Factor	.079	.159	.238	.317	.396	.476	.555	.634	.713	793	.951	.960	.911	.842
36	Basic Premium Ratio Loss Conversion Factor	.086	.829 .171	.257	.342	.428	.487 .513	.401 .599	.684	.230 .770	.145 .855	.989	.931	.887	.824
35	Basic Premium Ratio Loss Conversion Factor	.907 .093	.814 .186	.721 .279	.629 .371	.536 .464	.443 .557	.350 .650	.257 .743	.164 .836	.071 .929	.000 .958	.905	.000 .865	.000
34	Basic Premium Ratio Loss Conversion Factor	.899 .101	.798 .202	.698	.597	.496 .504	.395	.705	.194	.093	.000	.000	.000	.000	.000
33	Basic Premium Ratio	.890	.780	.669	.559	.449	.339	.229	.119	.008	.000	.000	.000	.000	.000
	Loss Conversion Factor	.110	.220	.331	.441	.551	.661	.771	.881	.992	.963	.904	.861	.828	.781

Maxi	mum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Grou	p -														
32	Basic Premium Ratio Loss Conversion Factor	.880	.759 .241	.639	.519 .481	.398	.278	.157	.037	.000	.000	.000	.000	.000	.000
31	Basic Premium Ratio Loss Conversion Factor	.869 .131	.737	.606	.475	.343	.212	.081	.000	.000	.000	.000	.000	.000	.000
30	Basic Premium Ratio Loss Conversion Factor	.856	.711	.567	.422	.278	.133	.000	.000	.000	.000	.000	.000	.000	.000
29	Basic Premium Ratio Loss Conversion Factor	.841	.681	.522	.363	.203	.044	.000	.000	.000	.000	.000	.000	.000	.000
28	Basic Premium Ratio	.824	.649	.473	.297	.122	.000	.000	.000	.000	.000	.000	.000	.768	.000
27	Loss Conversion Factor Basic Premium Ratio	.807	.613	.527	.703	.033	.981	.000	.000	.865	.000	.802	.000	.755	.000
26	Loss Conversion Factor Basic Premium Ratio	.786	.387	.359	.774 .145	.967	.951 .000	.906 .000	.871	.842	.820	.786	.761 .000	.000	.000
25	Loss Conversion Factor Basic Premium Ratio	.214 .764	.428 .529	.641 .293	.855	.975	.921	.000	.847	.822	.000	770 000	.000	.732	.000
24	Loss Conversion Factor Basic Conversion Ratio	.236 .740	.471 .480	.707	.000	.945	.894	.854	.825	.000	.784	.755	.736	.721	.000
23	Loss Conversion Factor Basic Premium Ratio	.260 .713	.520 .426	.780 .140	.000	.917	.867	.833	.805	.785	.768	.742	.725	.712	.000
22	Loss Conversion Factor Basic Premium Ratio	.690	.381	.860 .071	.954	.000	.000	.810	.786	.766 .000	.752	.729	.714	.703	.000
21	Loss Conversion Factor Basic Premium Ratio	.310	.619	.929	.925	.000	.000	.791	.768	.751	.737	.718	.704	.694	.000
20	Loss Conversion Factor Basic Premium Ratio	.336	.672	.998	.000	.837	.798	.000	.753	.737	.725	.708	.696	.687	.677
	Loss Conversion Factor	.379	.758	.953	.863	.813	.780	.756	.739	.726_	.716	.701	.691	.683	.673
19	Basic Premium Ratio Loss Conversion Factor	.579	.843	.912	.837	.791	.000 .761	.741	.726	.000 .716	.707	.000 .694	.685	.679	.000 .671
18	Basic Premium Ratio Loss Conversion Factor	.516	.968_	.000 .879	.810	.000 .771	.746	.000 .728	.000 .714	.000 705	.698	.000 .687	.000	.000 .675	.668
<u>17</u>	Basic Premium Ratio Loss Conversion Factor	.445 .555	.000 .961	.000 .845	.786	.000 .753	.000 .731	.000 .715	.705	.696	.000 .690	.000	.000 .675	.000 .671	.665
16	Basic Premium Ratio Loss Conversion Factor	.350 .650	.000 .918	.000	.000 .767	.000 .737	.000 .717	.704	.000 .695	.000	.000 .683	.000 .675	.000 .671	.000 .667	.000
15	Basic Premium Ratio Loss Conversion Factor	.235 .765	.000 .871	.000 .789	.000 .748	.000 .722	.705	.000 .694	.000	.000	.000 .675	.000 .670	.000	.663	.000
14	Basic Premium Ratio Loss Conversion Factor	.071 .929	.000 .840	.000 .767	.000 .731	.000 .709	.000 .694	.000 .685	.000 .677	.000 .672	.000 .670	.000 .665	.000 .662	.000	.000
<u>13</u>	Basic Premium Ratio Loss Conversion Factor	.000 .962	.000	.000 .747	.000 .716	.000 .696	.000	.000	.000 .670	.000	.000 .663	.000 .659	.000	.000 .656	.000
12	Basic Premium Ratio Loss Conversion Factor	.000	.000 .775	.000 .727	.000 .701	.000	.000 .675	.000	.000	.000	.000	.000	.000	.000	.000
11	Basic Premium Ratio Loss Conversion Factor	.000 .851	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
10	Basic Premium Ratio Loss Conversion Factor	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000 .651	.000	.000	.000	.000
9	Basic Premium Ratio Loss Conversion Factor	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
8	Basic Premium Ratio Loss Conversion Factor	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
6	Loss Conversion Factor Basic Premium Ratio	.724	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
5	Loss Conversion Factor Basic Premium Ratio	.703	.673	.000	.000	.000	.000	.650	.650	.650	.650	.000	.650	.650_	.000
	Loss Conversion Factor	.686	.663	.655	.652	.651	.650	.650	.650	.650	.650	.650	.650	.650	.650

Max	imum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size	•														
4	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.672	.657	.652	.651	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650
3	Basic Premium Ratio	.000	.000	.000_	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.661	.652	.651	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650
2	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.654	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650
1	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650

WSR 83-05-019 ADOPTED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Order 83-5-Filed February 9, 1983]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Director's Office, General Administration Building, Olympia, Washington 98504, the annexed rules relating to Washington workmen's compensation insurance. These rules provide for a change in the language of a risk classification that was inadvertently omitted during the November 1982 public hearing; the adoption of a method of calculating and assessing penalties on employers who have failed to secure compensation for his or her workers under the industrial insurance laws of Washington as provided for in chapter 63, Laws of 1982; a method of calculating and assessing penalties on delinquent reports of payroll as provided for in chapter 63, Laws of 1982; and a rule governing the assigning of a risk classification to workers supporting separate operations while performing the same duties.

This action is taken pursuant to Notice No. WSR 83-01-130 filed with the code reviser on December 22, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020(1) which directs that the Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, industrial insurance.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 9, 1983.

By Sam Kinville Director

AMENDATORY SECTION (Amending Order 75-28, filed 8/24/75, effective 10/1/75)

WAC 296-17-612 CLASSIFICATION 38-8.

Upholstery ((shop)) - furniture, auto or boat.

NEW SECTION

WAC 296-17-470 PENALTY ASSESSMENTS FOR EMPLOYERS WHO FAIL TO REGISTER UNDER TITLE 51 RCW. Any employer who has failed to secure payment of compensation for his or her workers covered under this title will be liable, subject to RCW 51.48.100, to a maximum penalty in a sum of two hundred dollars or in a sum double the amount of premiums due for the four quarters prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund.

If an injury or occupational disease is sustained by a worker of an employer who has failed to secure payment of compensation under this title that employer may be liable for a penalty of not less than fifty percent nor more than one hundred percent of the cost of such injury or occupational disease.

For the purposes of this section only the cost of such claim will be determined as follows:

At the time the claim for benefits is filed and the employer is found to have failed to register with the department as required by RCW 51.16.110, a penalty in an amount equal to the average cost of such claim as determined by the nature of the injury or illness and the part of the body affected will be assessed for the benefit of the medical aid fund.

The first day of the seventh month after the date of receipt of the claim, the claim's status will be evaluated. If the claim is closed as of that date the paid loss value will be used as the cost of the claim. If the claim is still open as of that date, a case reserve value will be set and used as the cost of the claim.

If the initial penalty assessed is less than fifty percent of the cost of the claim an additional penalty will be assessed the employer to bring the penalty up to fifty percent. If the initial penalty assessed exceeds the cost of the claim, the difference between the cost of the claim and the initial penalty will be credited to employers

For the purposes of this section, no further adjustments or evaluation on the cost of the claim will be made.

NEW SECTION

WAC 296-17-480 PENALTY ASSESSMENT FOR FAILURE TO KEEP RECORDS OR FILE QUARTERLY REPORTS UNDER TITLE 51 RCW. Every employer who fails to keep the records required by Title 51 RCW or fails to make the reports and pay premiums provided in this title shall be subject to a penalty of not to exceed two hundred percent of the quarterly premium for such offense.

Penalties for failure to make reports and pay premiums will be assessed according to the following schedule subject to RCW 51.48.100:

	ays quent	Percent of premiums due
1 -	10	10%
11 -	20	15%
21 -	30	20%
31 -	40	25%
41 -	50	30%
51 -	60	35%
61 –	75	40%
76 –	90	45%
91 –	180	50%
181 -	270	75%
271 -	365	100%
366 -	days and over	200%

Days delinquent will be computed by counting the number of calendar days elapsed since the quarter due date until and including the date report and payment were received by the department and then subtracting five days. It is the responsibility of the employer or employer's representative to prepare and send the required reports and payments allowing sufficient time for delivery by the United States mail or any other delivery service.

Approved payment plans entered into by the department and employers who fail to remit required premium payments will constitute good-faith intent to comply with the reporting requirements of Title 51 RCW and the received date of such payment agreement will be considered as the date the report and payment were received for purposes of computing days delinquent under this section. Approved payment plans under this section shall be subject to a penalty of not less than twenty-five percent of the outstanding premium balance, nor more than the percentage indicated in the above schedule for the number of days from the due date to the date of agreed payment.

Where the employer fails to keep records required by Title 51 RCW the quarterly premiums will be estimated by the department and penalties assessed according to the schedule outlined in this section.

NEW SECTION

VWAC 296-17-411 CLASSIFICATION FOR EM-PLOYEES SUPPORTING SEPARATE OPERA-TIONS. Employees who perform duties which support separate operations which are subject to different risk classifications are to be reported in accordance with the language of that classification, applicable to the operations supported, which carries the largest number of worker hours for the employer. For purposes of this rule, "duties which support separate operations" shall mean duties which remain the same and are performed at the same location(s) regardless of the operation being supported.

WSR 83-05-020 PROPOSED RULES COMMUNITY COLLEGE DISTRICT V

[Filed February 9, 1983]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State Community College District V intends to adopt, amend, or repeal rules concerning admission and registration procedures, chapter 132E-160 WAC.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Dr. Paul D. Walker, President Everett Community College 801 Wetmore Everett, WA 98201 (206) 259-7151 Ext. 203

that the institution will at 2:00 p.m., Wednesday, March 23, 1983, in the Administrative Conference Room, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 14, 1983.

The authority under which these rules are proposed is chapter 28B.50 RCW and RCW 28B.19.020.

The specific statute these rules are intended to implement is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before March 23, 1983.

Dated: February 8, 1983 By: Paul D. Walker President

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 132E-160 WAC, Admission and Registration Procedures.

Statutory Authority: Chapter 28B.50 RCW and RCW 28B.19.020.

Summary of the Rule(s): This notice proposes a repeal of chapter 132E-160 WAC, Admission and Registration Procedures. According to RCW 28B.19.020,

standards for admission are not defined as rules and need not be adopted in the Washington Administrative Code.

Description of the Purpose of the Rule(s): The board of trustees of Washington Community College District V proposes this repeal. The rule will be replaced by a statement which will appear in the college catalog, and will be adopted in the Washington Administrative Code.

Reasons Supporting the Proposed Rule(s): Standards for admission are not defined as rules and need not be adopted in the Washington Administrative Code.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Dr. Paul D. Walker, Everett Community College, 801 Wetmore, Everett, WA 98201, (206) 259-7151 Ext. 202.

Name of Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Community College District V.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

REPEALER

The following chapter of the Washington Administrative Code is

- (1) WAC 132E-160-010 EVERETT COMMUNITY COL-LEGE—ADMISSION—REQUIREMENTS AND PROCEDURES.
- (2) WAC 132E-160-020 EVERETT COMMUNITY COL-LÈGE-ADMISSION FORM.
- (3) WAC 132E-160-030 EVERETT COMMUNITY COL-LEGE—REGISTRATION DEPOSIT.
- (4) WAC 132E-160-040 EVERETT COMMUNITY COL-LEGE-RECORDS FEE.
- (5) WAC 132E-160-050 EVERETT COMMUNITY COL-LEGE—HIGH SCHOOL TRANSCRIPTS.
- (6) WAC 132E-160-060 EVERETT COMMUNITY COL-LEGE—COLLEGE TRANSCRIPTS.
- (7) WAC 132E-160-070 EVERETT COMMUNITY COL-
- LEGE—WASHINGTON PRE-COLLEGE TEST.
 (8) WAC 132E-160-080 EVERETT COMMUNITY COL-LEGE-HEALTH REPORTS.
 - (9) WAC 132E-160-090 REGISTRATION PROCEDURES. (10) WAC 132E-160-100 REGISTRATION PROCEDURES—
- RÈGISTRATION APPOINTMENT
- (11) WAC 132E-160-110 REGISTRATION PROCEDURES-REGISTRATION PLANNING.
- (12) WAC 132E-160-120 REGISTRATION PROCEDURES— RESPONSIBILITY FOR EDUCATIONAL PROGRAM.
- (13) WAC 132E-160-130 REGISTRATION PROCEDURES-REGISTRATION FEES.
- (14) WAC 132E-160-140 REGISTRATION PROCEDURES-QÙARTERLY REGISTRATION FEES.
- (15) WAC 132E-160-150 REGISTRATION PROCEDURES—
- REFUNDING FEES. (16) WAC 132E-160-160 REGISTRATION PROCEDURES-
- VETERANS EXEMPTION. (17) WAC 132E-160-170 REGISTRATION PROCEDURES—
- SPECIAL REGISTRATION--LATE REGISTRATION.
- (18) WAC 132E-160-180 REGISTRATION PROCEDURES— CHANGE OF REGISTRATION.
 - AUDITING A COURSE. (19) WAC 132E-160-190
 - WITHDRAWAL FROM COLLEGE. (20) WAC 132E-160-200
- (21) WAC 132E-160-210 WITHDRAWAL FROM COL-LEGE—DROPPING A CLASS.

- (22) WAC 132E-160-220 WITHDRAWAL FROM COL-LEGE—TRANSFER OF CREDITS WITHIN DISTRICT 5.
 - (23) WAC 132E-160-230 RESIDENCY REQUIREMENTS.
- (24) WAC 132E-160-240 MILITARY CREDIT.
- (25) WAC 132E-160-250 EDMONDS COMMUNITY COL-LEGE ADMISSION AND REGISTRATION POLICY—ADMIS-SION REQUIREMENTS.
- (26) WAC 132E-160-260 EDMONDS COMMUNITY COL-LÈGÉ ADMISSION AND REGISTRATION POLICY—APPLI-CATION PROCEDURE.
- (27) WAC 132E-160-270 EDMONDS COMMUNITY COL-LEGÉ ADMISSION AND REGISTRATION POLICY—RE-OUIRED TESTING.
- (28) WAC 132E-160-280 EDMONDS COMMUNITY COL-LEGE ADMISSION AND REGISTRATION POLICY—EDUCA-TIONAL PLANNING.
- (29) WAC 132E-160-290 EDMONDS COMMUNITY COL-LEGÉ ADMISSION AND REGISTRATION POLICY—WITH-DRAWAL FROM A COURSE.
- (30) WAC 132E-160-300 EDMONDS COMMUNITY COL-LÈGÉ ADMISSION AND REGISTRATION POLICY—WITH-DRAWALS FROM COLLEGE.
- (31) WAC 132E-160-310 EDMONDS COMMUNITY COL-LÈGÉ ADMISSION AND REGISTRATION POLICY—RE-**FUNDING FEES.**
- (32) WAC 132E-160-320 EDMONDS COMMUNITY COL-LÈGÉ ADMISSION AND REGISTRATION POLICY—SCHED-**ULE CHANGES.**
- (33) WAC 132E-160-330 EDMONDS COMMUNITY COL-LEGE ADMISSION AND REGISTRATION POLICY—AUDIT.
- (34) WAC 132E-160-340 EDMONDS COMMUNITY COL-LEGÉ ADMISSION AND REGISTRATION POLICY—STU-DENT CREDIT LOAD AND LIMITATIONS.
- (35) WAC 132E-160-350 EDMONDS COMMUNITY COL-LÈGÉ ADMISSION AND REGISTRATION POLICY-**PETITION**
- (36) WAC 132E-160-360 EDMONDS COMMUNITY COL-LÈGÉ ADMISSION AND REGISTRATION POLICY—RESI-DENCE CLASSIFICATION POLICY.

WSR 83-05-021 WITHDRAWAL OF PROPOSED RULES **DEPARTMENT OF** GENERAL ADMINISTRATION

(Division of Savings and Loan Associations) [Filed February 9, 1983]

I hereby withdraw WAC 419-44-020 of chapter 419-44 WAC filed under WSR 83-01-064 with the code reviser on December 15, 1982.

R. H. "Bob" Lewis Supervisor

WSR 83-05-022 ADOPTED RULES DEPARTMENT OF GENERAL ADMINISTRATION (Division of Savings and Loan Associations)

[Order 83-1—Filed February 9, 1983]

I, R. H. "Bob" Lewis, Supervisor of the Division of Savings and Loan Associations, do promulgate and adopt at Olympia, Washington, the annexed rules relating to satellite facilities, adding new section WAC 419-28-060, and miscellaneous credit union rules, adding new chapter 419-44 WAC and new section WAC 419-44-010.

This action is taken pursuant to Notice No. WSR 83-01-064 filed with the code reviser on December 15, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

These rules are promulgated pursuant to RCW 30-.43.020 and 30.43.045 as to WAC 419-28-060, and RCW 31.12.320 as to WAC 419-44-010, and are intended to administratively implement those statutes.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 27, 1983.

By R. H. "Bob" Lewis Supervisor

NEW SECTION

- WAC 419-28-060 NETWORK SYSTEMS. Application for approval to establish or operate a network system in which one or more state-chartered savings and loan associations or credit unions participate shall be submitted in accordance with this section. Application may be made either by the sponsor or by one or more participating financial institutions. The application shall include the following:
- (1) A copy of a resolution of the governing body of each savings and loan association or credit union participating in the network system, authorizing such participation.
- (2) A list showing the exact location of each proposed satellite facility, including the street address, city and state. If a satellite facility is to be located in a retail store, institution, office building or other type of merchant or business establishment, indicate the name and type of establishment. If a satellite facility is to be located in a shopping center, state the name of the shopping center.
- (3) A list of all equipment necessary to operate the network system, including the terminal (specify manufacturer), auxiliary equipment, and the data centers where transactions will be routed.
- (4) Identification and description of the type of activator and personal identification code (PIC) which will be used by customers at satellite facilities to access their accounts, as well as indication of how and by whom the activator and the PIC will be issued, with a description of the security measures to be taken.
- (5) A summary description of the design and general operating features of the network system. At a minimum, this response must include a discussion of:
 - (a) the proposed hours of operation;
- (b) the mode of operation (i.e., off-line, off-line with on-line terminals, on-line, or a combination);
 - (c) transactions and transaction restrictions;
- (d) procedures for verification, authorization, storage and posting of transactions;

- (e) receipts, audit trails, "hot-card" files, and any other measures used to protect the integrity of the system;
- (f) the switch, including (i) an explanation of the means by which a transaction is routed to the appropriate data centers; (ii) a description of logging and audit procedures for the purpose of verifying transactions processed through the switch; (iii) the identity of all data centers involved in the operation of the system; (iv) the identity of any party or parties other than the sponsor responsible for operation of the switch, (v) a description of the sponsor's or such other party's or parties' experience and qualifications in switch operation, and (vi) procedures for operation during terminal, switch, or CPU down-time (whether scheduled or unscheduled).
- (6) If there are financial institutions participating in the network system which do not have offices within this state, evidence that satellite facilities in the jurisdiction in which such institutions are organized are made available on a reciprocal basis to financial institutions which have offices in the state of Washington.
- (7) Such identification of the party or parties who will own and maintain the satellite facilities as the supervisor may require.
- (8) Evidence of bonding and insurance coverage for the sponsor and other parties involved in operation of the switch or network system.
- (9) A complete description in full detail of the procedures for protection of customer privacy and the confidentiality of account information.
- (10) A summary description in full detail of the procedures to be used to protect against fraudulent use of the network system.
- (11) Copies of agreements between financial institution participants and the sponsor. If the agreements are in standardized form, a sample will suffice.
- (12) Names and head office addresses of all financial institutions who will participate in the network system.
- (13) A description of the method of sharing, including the organizational structure of the network system and the basis for sharing capital expenditures and operating costs.
- (14) A certified copy of a resolution of the governing body of the sponsor which (a) authorizes the supervisor to conduct such examinations of the network system and its various component parts as are deemed necessary by the supervisor; (b) sets forth the agreement of the sponsor to pay the supervisor's expenses incurred in such examinations in accordance with the supervisor's rates for examinations of financial institutions as set forth in WAC 419-14-030 and WAC 419-18-040; (c) gives assurances to the supervisor that such authorization and agreement shall not be withdrawn until the expiration of at least thirty days after notice of such withdrawal has been given to the supervisor; and (d) confirms the understanding of the sponsor that failure to permit such examination by the supervisor shall be grounds for immediate suspension of the supervisor's approval of the network system.

CHAPTER 419-44 WAC MISCELLANEOUS CREDIT UNION RULES

WAC

419-44-010

State chartered credit unions—Acceptance of audit instead of examination.

NEW SECTION

WAC 419-44-010 STATE CHARTERED CRED-IT UNIONS—ACCEPTANCE OF AUDIT INSTEAD OF EXAMINATION. (1) RCW 31.12.320 authorizes the acceptance, in the supervisor's discretion, of independent audit reports prepared pursuant to RCW 31.12-.200 in lieu of the examination required thereunder. In order to be considered for acceptance in lieu of an examination by the supervisor's staff, an audit must meet the following conditions:

- (a) The audit was performed by accountants who have demonstrated to the supervisor extensive knowledge of the examination procedures and techniques utilized by the division of savings and loan;
- (b) The scope of the audit follow, but is not limited to, the scope of examinations conducted by the division of savings and loan, including a compliance review;
- (c) The audit includes a verification of loan and share accounts performed in accordance with WAC 419-44-020:
- (d) The audit includes a cash reconciliation, including an adequately documented physical cash count, and also includes an affirmative verification of investments and deposits made by the audited credit union;
- (e) Verification of the status of funds borrowed by the audited credit union, including promissory notes and certificates:
- (f) The audit sets forth such comments as are appropriate in a positive format specifying corrective action recommended and schedule for completing such corrective action;
- (g) The audit was performed not less than nine months after and not more than fifteen months after the last examination by the division of savings and loan or an audit which was accepted in lieu thereof.
- (h) All working papers as well as the accountant's report, internal control report, and any other documents associated with the audit are made available to the supervisor.
- (2) Select portions of an audit may be utilized by division of savings and loan examiners in conducting a particular examination if:
- (a) The date of the audit corresponds reasonably with the date of the examination; and
- (b) That portion of the audit being utilized is supported by working papers which substantially correspond to examination work papers utilized in the conduct of division of savings and loan examinations.

WSR 83-05-023 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 9, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning chapter 180-42 WAC, pupils, uniform entry qualifications and the repeal of WAC 180-16-166, entry age.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, March 25, 1983, at 9:00 a.m., in the State Board of Education Board Room, Old Capitol Building, Legion Way and Washington, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 28A.58.190.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 24, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-01-131 filed with the code reviser's office on December 22, 1982.

Dated: February 9, 1983

By: Monica Schmidt

Executive Director

WSR 83-05-024 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 10, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the amending of chapter 296-24 WAC, general safety and health standard as follows: WAC 296-24-165 fixed and portable power tool requirements; WAC 296-24-16503 machine construction general; WAC 296-24-16513 self-feed construction general; WAC 296-24-16521 jointers; WAC 296-24-16527 wood shapers and similar equipment; WAC 296-24-16537 miscellaneous woodworking machines; WAC 296-24-16539 inspection of maintenance of woodworking machines; all amended to delete reference to "wood" and "woodworking" in those subsections. WAC 296-24-23527(3)(f), 296-24-24015(3)(f), 296-24-24517(3)(f) and 296-78-770 are all amended to require an audible warning alarm and a flashing warning light when an employee is exposed to an overhead load hazard. WAC 296-54-507 is amended to reflect special logging practices required on the Mount St. Helen's blast site. WAC 296-62-07314 is amended to make our occupational health standard identical to the recordkeeping requirements of the federal regulations published in the Federal Register, vol. 45, No. 102, May 23, 1982. WAC 296-62-14515 electrical hazards in the occupational safety and health standard is amended to correct spelling error. WAC 296-155-145 and 296-155-220 construction workers safety standards is amended to reference the occupational safety and health standard in regard to noise exposure and respiratory protection. WAC 296-306-200 safety standards for agriculture is amended to correct a typographical error. WAC 296-350-400 administrative rules is amended to correct a typographical error. New WAC 296-45-65016 supervision by foremen, will require foremen to supervise all employees working on an electrical construction work site. WAC 296-45-65038 is a proposed section dealing with underground residential distribution (URD) rules for electrical workers. WAC 296-24-13503 color specifications is repealed to mirror OSHA revocations.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules and economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Richard E. Martin, Assistant Director Industrial Safety and Health Division P.O. Box 207 Olympia, Washington 98504 (206) 753-6500

that the agency will at 9:30 a.m., Thursday, April 7, 1983, in the Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 19, 1983.

The authority under which these rules are proposed is RCW 49.17.040 and 49.17.050.

The specific statute these rules are intended to implement is RCW 49.17.060(1) and 49.17.050(10).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 4, 1983.

Dated: February 9, 1983 By: Sam Kinville Director

STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: Chapter 296-24 WAC General Safety and Health; WAC 296-24-165 Fixed and portable power tool requirements; WAC 296-24-16503 Machine construction general; WAC 296-24-16513 Self-feed construction general; WAC 296-24-16521 Jointers; WAC 296-24-16527 Wood shapers and similar equipment; WAC 296-24-16531 Profile and swing-head lathes and wood heel turning machine; WAC 296-24-16537 Miscellaneous woodworking machines; WAC 296-24-16539 Inspection

and maintenance of woodworking machines; WAC 296-24-23527(3)(f) Handling the load; WAC 296-24-24015(3)(f) Handling the load; WAC 296-24-24517(3)(f) Handling the load; chapter 296-45 WAC Electrical Workers Safety Rules; WAC 296-45-65016 Supervision by foremen; WAC 296-45-65038 Underground residential distribution (URD); chapter 296-54 WAC Logging Operations; WAC 296-54-507 Management's responsibility; chapter 296-62 WAC Occupational Safety and Health Standards; WAC 296-62-07314 Medical surveillance sections; WAC 296-62-14515 Electrical hazards; chapter 296-78 WAC Sawmills and Woodworking Operations; WAC 296-78-770 Operators; chapter 296-155 WAC Construction; WAC 296-155-145 Noise exposure; WAC 296-155-220 Respiratory protection; chapter 296-306 WAC Agriculture; WAC 296-306-200 Roll-over protective structures (ROPS) for tractors used in agricultural operations; and chapter 296-350 WAC Administrative Rules; WAC 296-350-400 Posting of notices.

Statutory Authority: RCW 49.17.040 and 49.17.050.

Summary of the Rule(s): This notice proposes to amend the general safety and health standards, WAC 296-24-23527(3)(f) handling the load, and the sawmills and woodworking operations, WAC 296-78-770 operators in regard to requiring an audible warning alarm and a flashing warning light when an employee is exposed to an overhead load hazard. The general safety and health standards, WAC 296-24-165, 296-24-16503, 296-24-16513, 296-24-16521, 296-24-16527, 296-24-16531, 296-24-16537 and 296-24-16539, to eliminate the qualifying terms "wood" and "woodworking" in regard to fixed and portable power tool requirements. WAC 296-45-65016 supervision by foremen is amended to require foremen supervise all employees working on an electrical construction work site. WAC 296-45-65038 is a proposed section dealing with underground residential distribution (URD) rules for electrical workers. WAC 296-54-507 is an emergency rule to amend the logging standards to allow certain special logging practices in the Mount St. Helen's blast area. WAC 296-62-07314 is an emergency rule to make our occupational health standard identical to the recordkeeping requirements of the federal regulations in the Federal Register, vol. 45, No. 102, May 23, 1980. WAC 296-62-14515 electrical hazards; to correct grammar. WAC 296-155-145 and 296-155-220 are amended to reference the occupational safety and health standard, chapter 296-62 WAC, for noise exposure and respiratory protection. WAC 296-306-200 and 296-350-400; correct typographical errors. WAC 296-24-13503 color specifications is repealed to mirror OSHA revocations.

Reasons Supporting the Proposed Rule(s): To ensure safe and healthful working conditions for every man and woman working in the state of Washington; and to be in compliance with federal regulations.

The Agency Personnel Responsible for Drafting: Charles L. Preston, Technical Services Chief, Division of Industrial Safety and Health, 814 East Fourth, Olympia, Washington 98504, 753-6381; Implementation: Richard E. Martin, Assistant Director, Division of Industrial Safety and Health, 814 East Fourth.

Olympia, Washington 98504, 753-6500; and Enforcement: Same as above.

Name of Person or Organization, Whether Private, Public, or Governmental that is Proposing the Rule(s): Department of Labor and Industries.

Agency Comments and Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

Portions of the rules are necessary to comply with a federal law, 29 U.S.C. subsection 667(c)(2).

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Various WAC sections pertaining to industrial safety and health. In passing the Regulatory Fairness Act, House Bill 385, chapter 6, Laws of 1982, the legislative concern was with agency rules that require the same activity or effort by both small and large business, but place a proportionately higher burden on the smaller business unit as measured by the cost of compliance. WAC 296-78-770, would have economic effect in that audible and visual alarms would be required on cranes where an employee is exposed to an overhead load hazard. The cost of such equipment is negligible and would represent only a miniscule fraction of the total investment in the crane equipment itself. WAC 296-45-65038, a new section, would establish electrical construction standards and safety rules for underground distribution of electrical energy to residential users. The rule would specifically enjoin electrical power utility companies to employ two people (normally one) to do switching work. Together, the three major private electrical utilities serving Washington consumers place the cost of this extra labor at about \$100,000 or 11.3 cents a residential customer.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-165 FIXED AND PORTABLE POWER TOOL REQUIREMENTS. Scope and application. All sections which include WAC 296-24-165 in the section number shall apply to the use of fixed and portable power tools for processing all materials, including, but not limited to, wood, metal, plastics, and other natural and synthetic material.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-24-16503 MACHINE CONSTRUCTION GENERAL. (1) Each machine shall be so constructed as to be free from sensible vibration when the largest size tool is mounted and run idle at full speed.

(2) Arbors and mandrels shall be constructed so as to have firm and secure bearing and be free from play.

(3) Any automatic cutoff saw that strokes continuously without the operator being able to control each stroke shall not be used.

- (4) Saw frames or tables shall be constructed with lugs cast on the frame or with an equivalent means to limit the size of the saw blade that can be mounted, so as to avoid overspeed caused by mounting a saw larger than intended.
- (5) Circular saw fences shall be so constructed that they can be firmly secured to the table or table assembly without changing their alignment with the saw. For saws with tilting tables or tilting arbors the fence shall be so constructed that it will remain in a line parallel with the saw, regardless of the angle of the saw with the table.

- (6) Circular saw gages shall be so constructed as to slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the guide.
- (7) Hinged saw tables shall be so constructed that the table can be firmly secured in any position and in true alignment with the saw.
- (8) All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of WAC 296-24-20501 through 296-24-20533.
- (9) It is recommended that each power-driven ((woodworking)) machine be provided with a disconnect switch that can be locked in the off position.
- (10) The frames and all exposed, noncurrent-carrying metal parts of portable electric ((woodworking)) machinery operated at more than 90 volts to ground shall be grounded and other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.
- (11) For all circular saws where conditions are such that there is a possibility of contact with the portion of the saw either beneath or behind the table, that portion of the saw shall be covered with an exhaust hood, or, if no exhaust system is required, with a guard that shall be so arranged as to prevent accidental contact with the saw.
- (12) Revolving double arbor saws shall be fully guarded in accordance with all the requirements for circular crosscut saws or with all the requirements for circular ripsaws, according to the kind of saws mounted on the arbors.
- (13) No saw, cutter head, or tool collar shall be placed or mounted on a machine arbor unless the tool has been accurately machined to size and shape to fit the arbor.
- (14) Combs (featherboards) or suitable jigs shall be provided at the workplace for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding and rabbeting.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-16513 SELF-FEED CIRCULAR SAWS. (1) Feed rolls and saws shall be protected by a hood or guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the bottom of the guard shall come down to within three-eighths inch of the plane formed by the bottom or working surfaces of the feed rolls. This distance (three-eighths inch) may be increased to three-fourths inch, provided the lead edge of the hood is extended to be not less than ((5-1/2)) five and one-half inches in front of the nip point between the front roll and the work.

(2) Each self-feed circular ripsaw shall be provided with sectional nonkickback fingers for the full width of the feed rolls. They shall be located in front of the saw and so arranged as to be in continual contact with the ((wood)) material being fed.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-16521 JOINTERS. (1) Each hand-fed planer and jointer with horizontal head shall be equipped with a cylindrical cutting head, the knife projection of which shall not exceed one-eighth inch beyond the cylindrical body of the head.

- (2) The opening in the table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than one-eighth inch. The table throat opening shall be not more than ((2 1/2)) two and one-half inches when tables are set or aligned with each other for zero cut.
- (3) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which will cover all the section of the head on the working side of the fence or gage. The guard shall effectively keep the operator's hand from coming in contact with the revolving knives. The guard shall automatically adjust itself to cover the unused portion of the head and shall remain in contact with the material at all times.
- (4) Each hand-fed jointer with horizontal cutting head shall have a guard which will cover the section of the head back of the gage or fence.
- (5) Each ((wood)) jointer with vertical head shall have either an exhaust hood or other guard so arranged as to enclose completely the revolving head, except for a slot of such width as may be necessary and convenient for the application of the material to be jointed.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-16527 ((WOOD)) SHAPERS AND SIMILAR EOUIPMENT. (1) The cutting heads of each ((wood)) shaper, handfed panel raiser, or other similar machine not automatically fed, shall be enclosed with a cage or adjustable guard so designed as to keep the operator's hand away from the cutting edge. The diameter of circular shaper guards shall be not less than the greatest diameter of the cutter. In no case shall a warning device of leather or other material attached to the spindle be acceptable.

(2) ((Cylindrical heads should be used whenever the nature of the work will permit. Single cutter knives in shaper heads shall not be used

unless properly balanced:

(3))) All double-spindle shapers shall be provided with a spindle starting and stopping device for each spindle.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-16531 PROFILE AND SWING-HEAD LATHES AND ((WOOD)) HEEL TURNING MACHINE. (1) Each profile and swing-head lathe shall have all cutting heads covered by a metal guard. If such a guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness: and if cast iron is used, it shall not be less than three-sixteenths inch in

- (2) Cutting heads on ((wood-))turning lathes, whether rotating or not, shall be covered as completely as possible by hoods or shields, which should be hinged to the machines so that they can be thrown back for making adjustments.
- (3) Shoe last and spoke lathes, doweling machines, ((wood)) heel turning machines, and other automatic ((wood-))turning lathes of the rotating knife type shall be equipped with hoods enclosing the cutter blades completely except at the contact points while the stock is being
- (4) Lathes used for turning long pieces of ((wood)) stock held only between the two centers shall be equipped with long curved guards extending over the tops of the lathes in order to prevent the work pieces from being thrown out of the machines if they should become loose.
- (5) Where an exhaust system is used, the guard shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subsection (1) of this section.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-16537 MISCELLANEOUS ((WOODWORK-ING)) MACHINES. (1) The feed rolls of roll type glue spreaders shall be guarded by a semicylindrical guard. The bottom of the guard shall come to within three-eighths inch of a plane formed by bottom or contact face of the feed roll where it touches the stock.

(2) Drag saws shall be so located as to give at least a ((4)) four-foot clearance for passage when the saw is at the extreme end of the stroke; or if such clearance is not obtainable, the saw and its driving mechanism shall be provided with a standard enclosure.

(3) For combination or universal ((woodworking)) machines each point of operation of any tool shall be guarded as required for such a tool in a separate machine.

(4) The mention of specific machines in WAC 296-24-16503 through 296-24-16535, inclusive, is not intended to exclude other ((woodworking)) machines from the requirement that suitable guards and exhaust hoods be provided to reduce to a minimum the hazard due to the point of operation of such machines.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-24-16539 INSPECTION AND MAINTENANCE OF ((WOODWORKING)) MACHINERY. (1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(2) All knives and cutting heads of ((woodworking)) machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.

(3) Bearings shall be kept free from lost motion and shall be well lubricated.

(4) Arbors of all circular saws shall be free from play.

- (5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.
- (6) Emphasis is placed upon the importance of maintaining cleanliness around ((woodworking)) machinery, particularly as regards the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.

(7) All cracked saws shall be removed from service.

- (8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted
- (9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.
- (10) The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.
- (11) Whenever veneer slicers or rotary veneer-cutting-machines have been shutdown for the purpose of inserting logs or to make adjustments, operators shall make sure that machine is clear and other workmen are not in a hazardous position before starting the machine.
 - (12) Operators shall not ride the carriage of a veneer slicer.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23527 HANDLING THE LOAD. (1) Size of load. The crane shall not be loaded beyond its rated load except for test purposes as provided in WAC 296-24-23521.

(2) Attaching the load.

- (a) The hoist chain or hoist rope shall be free from kinks or twists and shall not be wrapped around the load.
- (b) The load shall be attached to the load block hook by means of slings or other approved devices.
- (c) Care shall be taken to make certain that the sling clears all obstacles.

(3) Moving the load.

- (a) The load shall be well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.
 - (b) Before starting to hoist the following conditions shall be noted:

(i) Hoist rope shall not be kinked.

- (ii) Multiple part lines shall not be twisted around each other.
- (iii) The hook shall be brought over the load in such a manner as to prevent swinging.

(c) During hoisting care shall be taken that:

(i) There is no sudden acceleration or deceleration of the moving load.

(ii) The load does not contact any obstructions.

- (d) Cranes shall not be used for side pulls except when specifically authorized by a responsible person who has determined that the stability of the crane is not thereby endangered and that various parts of the crane will not be overstressed.
- (e) While any employee is on the load or hook, there shall be no hoisting, lowering, or traveling.
- (f) ((The employer shall require that the operator avoid carrying loads over people)) Operators shall avoid, as far as possible, carrying loads over workers. Loads shall not be carried over employees without sounding an audible warning alarm and a flashing warning light.

(g) The operator shall test the brakes each time a load approaching the rated load is handled. The brakes shall be tested by raising the load a few inches and applying the brakes.

(h) The load shall not be lowered below the point where less than two full wraps of rope remain on the hoisting drum. (i) When two or more cranes are used to lift a load one qualified re-

sponsible person shall be in charge of the operation. He shall analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made

(j) The employer shall assure that the operator does not leave his position at the controls while the load is suspended.

(k) When starting the bridge and when the load or hook approaches near or over personnel, ((the warning signal shall be sounded)) an audible warning alarm and a flashing warning light shall be used

(4) Hoist limit switch.

(a) At the beginning of each operator's shift, the upper limit switch of each hoist shall be tried out under no load. Extreme care shall be exercised; the block shall be "inched" into the limit or run in at slow speed. If the switch does not operate properly, the appointed person shall be immediately notified.

(b) The hoist limit switch which controls the upper limit of travel of the load block shall never be used as an operating control.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-24015 HANDLING THE LOAD. (1) Size of load.

(a) No crane shall be loaded beyond the rated load, except for test purposes as provided in WAC 296-24-24009.

(b) When loads which are limited by structural competence rather than by stability are to be handled, it shall be ascertained that the weight of the load has been determined within plus or minus 10 per-

cent before it is lifted.
(2) Attaching the load.

(a) The hoist rope shall not be wrapped around the load.

- (b) The load shall be attached to the hook by means of slings or other approved devices.
 - (3) Moving the load.
 - (a) The employer shall assure that:
 - (i) The crane is level and where necessary blocked properly.
- (ii) The load is well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.
 - (b) Before starting to hoist, the following conditions shall be noted:
 - (i) Hoist rope shall not be kinked.
- (ii) Multiple part lines shall not be twisted ((around)) around each other.
- (iii) The hook shall be brought over the load in such a manner as to prevent swinging.
- (iv) If there is a slack rope condition, it should be determined that the rope is properly seated on the drum and in the sheaves.
 - (c) During hoisting care shall be taken that:
- (i) There is no sudden acceleration or deceleration of the moving load.
- (ii) The load does not contact any obstructions.
- (d) Side loading of booms shall be limited to freely suspended loads. Cranes shall not be used for dragging loads sideways.
- (e) No hoisting, lowering, swinging, or traveling shall be done while anyone is on the load or hook.
- (f) ((The operator should avoid carrying loads over people)) Operators shall avoid, as far as possible, carrying loads over workers. Loads shall not be carried over employees without sounding an audible warning alarm and a flashing warning light.
- (g) On truck mounted cranes, no loads shall be lifted over the front area except as approved by the crane manufacturer.
- (h) The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.
- (i) Outriggers shall be used when the load to be handled at that particular radius exceeds the rated load without outriggers as given by the manufacturer for that crane. Where floats are used they shall be securely attached to the outriggers. Wood blocks used to support outriggers shall:
 - (i) Be strong enough to prevent crushing.
 - (ii) Be free from defects.
- (iii) Be of sufficient width and length to prevent shifting or toppling under load.
- (j) Neither the load nor the boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.
- (k) Before lifting loads with locomotive cranes without using outriggers, means shall be applied to prevent the load from being carried by the truck springs.
- (1) When two or more cranes are used to lift one load, one designated person shall be responsible for the operation. He shall be required to analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.
- (m) In transit the following additional precautions shall be exercised.
- (i) The boom shall be carried in line with the direction of motion.
- (ii) The superstructure shall be secured against rotation, except when negotiating turns when there is an operator in the cab or the boom is supported on a dolly.
- (iii) The empty hook shall be lashed or otherwise restrained so that it cannot swing freely.
- (n) Before traveling a crane with load, a designated person shall be responsible for determining and controlling safety. Decisions such as

- position of load, boom location, ground support, travel route, and speed of movement shall be in accord with his determinations.
- (o) A crane with or without load shall not be traveled with the boom so high that it may bounce back over the cab.
- (p) When rotating the crane, sudden starts and stops shall be avoided. Rotational speed shall be such that the load does not swing out beyond the radii at which it can be controlled. A tag or restraint line shall be used when rotation of the load is hazardous.
- (q) When a crane is to be operated at a fixed radius, the boom-hoist pawl or other positive locking device shall be engaged.
- (r) Ropes shall not be handled on a winch head without the knowledge of the operator.
- (s) While a winch head is being used, the operator shall be within convenient reach of the power unit control lever.
 - (4) Holding the load.
- (a) The operator shall not be permitted to leave his position at the controls while the load is suspended.
- (b) No person should be permitted to stand or pass under a load on the hook.
- (c) If the load must remain suspended for any considerable length of time, the operator shall hold the drum from rotating in the lowering direction by activating the positive controllable means of the operator's station.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-24517 HANDLING THE LOAD. (1) Size of load.

- (a) No derrick shall be loaded beyond the rated load.
- (b) When loads approach the maximum rating of the derrick, it shall be ascertained that the weight of the load has been determined within plus or minus 10 percent before it is lifted.
 - (2) Attaching the load.
 - (a) The hoist rope shall not be wrapped around the load.
- (b) The load shall be attached to the hook by means of slings or other suitable devices.
 - (3) Moving the load.
- (a) The load shall be well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.
 - (b) Before starting to hoist, the following conditions shall be noted:
 - (i) Hoist rope shall not be kinked.
 - (ii) Multiple part lines shall not be twisted around each other.
- (iii) The hook shall be brought over the load in such a manner as to prevent swinging.
- (iv) If there is a slack rope condition, it should be determined that the rope is properly seated on the drum and in the sheaves.
 - (c) During hoisting, care shall be taken that:
- (i) There is no sudden acceleration or deceleration of the moving oad.
- (ii) Load does not contact any obstructions.
- (d) A derrick shall not be used for side loading except when specifically authorized by a responsible person who has determined that the various structural components will not be overstressed.
- (e) No hoisting, lowering, or swinging shall be done while anyone is on the load or hook.
- (f) The operator shall avoid carrying loads over people. Loads shall not be carried over employees without sounding an audible alarm and a flashing warning light.
- (g) The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.
- (h) Neither the load nor boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.
- (i) When rotating a derrick, sudden starts and stops shall be avoided. Rotational speed shall be such that the load does not swing out beyond the radius at which it can be controlled.
- (j) Boom and hoisting rope systems shall not be twisted.
- (4) Holding the load.
- (a) The operator shall not be allowed to leave his position at the controls while the load is suspended.
- (b) People should not be permitted to stand or pass under a load on the hook.
- (c) If the load must remain suspended for any considerable length of time, a dog, or pawl and ratchet, or other equivalent means, rather than the brake alone, shall be used to hold the load.
 - (5) Use of winch heads.

- (a) Ropes shall not be handled on a winch head without the knowledge of the operator.
- (b) While a winch head is being used, the operator shall be within convenient reach of the power unit control lever.
- (6) Securing boom. Dogs, pawls, or other positive holding mechanism on the hoist shall be engaged. When not in use, the derrick boom shall:
 - (a) Be laid down;
- (b) Be secured to a stationary member, as nearly under the head as possible, by attachment of a sling to the load block; or
 - (c) Be hoisted to a vertical position and secured to the mast.

- WAC 296-45-65038 UNDERGROUND RESIDENTIAL DISTRIBUTION (URD). (1) General. (a) Each employee shall be knowledgeable of the equipment provided for their use and shall at all times use this equipment only for the purpose intended.
- (b) U.R.D. cables which are properly insulated for the voltages to which they are energized shall be considered as an effective barrier to protect the employees and table one (1) need not apply.
- (i) Workmen will take adequate precautions to avoid physical contact with energized U.R.D. cable by using approved procedures and/or protective devices.
- (ii) When handling energized U.R.D. primary cables, the work shall be done with approved tools and/or procedures by two qualified employees. (Exception: Switching is exempt from this rule.)
- (iii) Terminators or load-break elbows, which are approved for hot stick operation shall not be considered as a switch or a disconnect and shall be operated by two qualified employees.
- (c) When energized pad-mounted transformers or similar equipment are to be left unlocked and open, they shall be attended by a qualified employee.
- (d) Approved tools and procedures shall be used to remove any debris, vines, weeds, etc., from an underground system.
- (e) A primary and secondary system neutral on any energized circuit shall not be opened under any circumstances except for testing.
- (f) Primary and secondary neutrals shall be firmly connected and grounded before the circuit or equipment is energized.
- (g) Where different phases are in the same vault, enclosures, or parked in some manner that they could be looped, these phases shall be marked or identified.
 - (h) Bay-O-Net fuses:
- (i) Bay-O-Net shall not be closed into suspended faults or overloads.
- (ii) Submersible U.G. transformer installations will require other methods of energizing or de-energizing and Bay-O-Net fuses shall not be used for this purpose.
- (iii) Bay-O-Net fuses shall only be operated after pad-mount transformers have been properly vented.
- (iv) Bay-O-Net fuses shall only be operated in accordance with manufacturing design and rating capabilities.
- (2) Opening and guarding holes. Whenever a cover is to be removed from a manhole or underground vault, or makin excavations in places accessible to vehicular or pedestrian traffic, the following precautions shall be taken:
- (a) Before removal or excavating, protective barriers or approved guards and warning signs shall be erected.
- (b) After dark, approved lights, reflectors, or similar devices shall be used.
- (c) Where permissible and practical, the truck shall also be placed to guard the work area.
- (d) A blow torch or other open flame shall never be used to melt ice around a manhole or underground vault cover.
- (e) Care shall be taken to prevent the possibility of vehicles coming in contact with the wires and equipment.
- (3) Entering underground structures. Before entry into any manhole or underground vault, the following precautions shall be taken:
- (a) Observe subsection (2), opening and guarding holes.
- (b) Prior to entering an unvented underground vault or manhole, an inspection shall be made to determine if any hazardous conditions exist. Appropriate safeguards shall be applied as required prior to the performance of any work.
- (c) No entry shall be permitted unless forced ventilation is provided or the atmosphere is found safe by testing for oxygen deficiency and for the presence of explosive gases or fumes.

- (d) Where unsafe conditions are detected, by testing or other means, the work area shall be ventilated and/or other side made safe before entry.
- (e) Provisions shall be made for a continuous supply of air as provided in WAC 296-62-110 through 296-62-11013.
- (f) When forced ventilation is not used, a method of monitoring for oxygen deficiency and to detect the presence of any explosive gases or fumes shall be used.
- (g) In any emergency when it becomes necessary for an employee to enter an underground vault where oxygen deficiency, toxic or explosive gases are present, the employee shall use approved respiratory equipment, and a safety belt to which there is attached a fire retardant life line, attended by a qualified person stationed at the underground vault opening.
- (h) A watchman shall be kept at the surface when there is any hazard to the employees in the manhole and he should not leave the manhole unwatched until such time as all employees are out and the cover has been replaced.
- (i) Except in emergency conditions, a ladder shall always be used when entering or leaving an underground vault.
- (4) Working in manholes and underground vaults. (a) No work shall be permitted to be done in any manhole or subway on any energized wire, cable, or appliance carrying more than 300 volts of electricity by less than two qualified persons who shall at all times, while performing such work, be in the same manhole or subway in which work is being done. This rule shall not apply to work on telephone, telegraph, or signal wires or cables.
- (b) Cable in manholes or underground vaults shall be accessible to employees and a clear working space (see items (1)(b)(i) and (ii) of this section) shall be maintained at all times; and/or approved protective guards, barriers, etc. when installed and maintained in compliance with the rules of the Department of Labor and Industries shall be considered as providing adequate working clearance for cables over 5 k.v.

If a manhole and/or underground vault is determined to be unsafe by the man in charge, no work shall be done in the manhole and/or vault until the unsafe condition is corrected or de-energized.

- (c) No work shall be performed on cables or equipment unless they have been properly identified by an approved method.
- (d) Tools and materials shall not be thrown into or out of manholes or underground vaults, but shall be placed in proper receptacles and hoisted in and out by means of an approved method.
- (5) Working on cables. (a) Before any work is to be performed on underground cables and apparatus carrying high voltage, they shall be de-energized with the following exceptions:
- (i) Replacing fuses, operating switches, closing or opening loadbreak elbows, when approved protective devices are used.
- (ii) Work in the high-voltage compartment of pad-mounted transformers and similar equipment installed above ground, provided the work is done by approved methods.
- (b) Where multiple cables exist in excavation or manhole, cables other than the one being worked on shall be protected.
- (c) Only one energized conductor shall be worked on at any one time, and protective means shall be used to insulate or isolate it from all others.
- (d) Any cables to be worked on shall be identified by approved testing unless its identification is obvious by reason of the distinctive appearance, such as, tags, color, or other approved methods.
- (e) Where work is to be performed on de-energized cables or equipment, the employee directly in charge of the work shall be responsible for determining that the conductors or equipment is de-energized.
- (f) After conductors or equipment are cleared for work and the proper clearances have been obtained (WAC 296-45-65023) tests shall be made to determine that the conductors or equipment are denergized.
- (g) When working on underground cables, the metallic sheath continuity shall be maintained by bonding across the opening or by equivalent means.
- (h) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they shall be in a sanitary condition.
- (i) Insulated platforms or other protective devices shall be provided when work is to be done on energized wires or equipment in manholes.
- (6) Grounding. A capacitance charge can remain in the high voltage cables after it has been disconnected from the circuit and a static-type arc can occur when grounds are applied to such cables.

- (a) All high voltage cables and equipment that have been energized or could become energized shall be considered as energized until such cables have been grounded.
- (b) Grounding shall be done at a point as near to the work locations as possible, except where their installations or use increases the working hazard.

(c) Grounds may be removed for test purposes.

- (d) When work is to be done on cables or equipment of a high-voltage underground system, precautions to prevent back-feed shall be taken. This shall include either isolating or grounding of the secondary conductors
- (e) After testing the cable dead, approved grounding devices shall be used. They shall be first connected to a ground before being brought into contact with any de-energized conductors to be grounded. When removed they shall be removed from all circuit conductors before being disconnected from ground.
- (f) After grounding the cable, if the workman is to work on the cable between terminations, he must first spike the cable or use other approved methods of testing. If the cable is to be cut, it shall be cut only with approved hot cutters.
- (7) Trenching and excavating. (a) During excavation or trenching, in order to prevent exposure of employees to the hazards created by damage to underground facilities, the man in charge shall make every effort to determine the location of such facilities and conduct the work in a manner designed to avoid damage.
- (b) Trenching and excavating operations shall comply with the provisions of WAC 296-155-650 through WAC 296-155-665.
- (c) All employees engaged in trenching and excavation operations shall have access at the work site to codes, and/or standards, applicable to such work or shall have been trained in the application of trenching and excavation standards.
- (8) Pulling cables. When fishing conduits or ducts, it shall first be determined that the fish tape or wires will not contact any energized lines or equipment.
- (9) Heating materials. Furnaces shall always be placed in a secure level position on the downhill side of the manhole to avoid spillage of hot metals or compounds in the manhole and/or underground vault.
- (10) Definitions. (a) Load-break elbow a connector designed to close and interrupt current on energized circuits within the design current and voltage rating.
- (b) Dead-break elbow a connector designed to be separated and engaged on de-energized circuits only.
- (c) Underground network distribution system an underground electrical installation fed from multiple primary sources directly associated with area-wide secondary network connected into a common grid.
- (d) Underground residential distribution system (URD) an electrical installation normally fed from a single primary source which may feed one or more transformers with secondaries not connected to a common grid.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-45-65016 SUPERVISION BY FOREMEN. A foreman shall supervise all persons, including flagpersons performing work related to electrical construction on electrical construction jobsites. Supervise shall mean the right to give an order and have it obeyed and the right to direct a person concerning the manner in which his work is to be performed.

AMENDATORY SECTION (Amending Order 80-15, filed 8/20/80)

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the general safety and health standards:

- (1) The employer shall assume the responsibility of safety training for new employees.
- (2) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum of two employees who shall work as a team and shall be in visual or hearing contact with

one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

NOTE: This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

- (3) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of all movable equipment.
- (4) Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.
- (5) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.
- (6) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees ((shall not be)) are exposed to minimum hazards involved.

either dead and standing, broken off at various heights or blown down completely. Logging in proximity to the standing defective trees pose all the special hazards common to working around snags and/or danger trees. This chapter requires that all such trees be felled or brought down by other appropriate means whenever such trees are a hazard to personnel. The Federal Land Policy and Management Act of 1976 (Public Law 94-579), the Endangered Species Act of 1973 (Public Law 93-205), the Wilderness Act of 1964 (Public Law 88-577) and the Revised Code of Washington 76.04.222, administered by the Washington State Department of Natural Resources under WAC 222-30-020, all require that some snags must be left standing as wildlife habitat trees.

(a) In the intent of reducing exposure of personnel to a minimum, the following rules shall be adhered to:

(i) Prior to commencement of logging, a plan shall be agreed to between the land owner (U.S.F.S., D.N.R. or private land owner) and the logging contractor or supervisor as to which lone snags or designated snag areas are to be left standing.

(ii) If snag areas or islands are left, the area shall be designated as a "no work area." The perimeter of the affected area shall be flagged and/or marked so as to be clearly distinguishable.

(iii) If lone snags and/or danger trees are left, each one shall be clearly marked.

(iv) Lone snags in work areas shall be limited to fifteen feet in height and shall be of sound enough wood capable of standing through the expected logging period of that respective unit.

- (b) No running lines of yarding equipment shall run through or come closer than fifteen feet to a "no work area." No tail or haulback blocks shall be hung on standing snags and/or danger trees. When working in the rigging adjacent to a "no work area," all personnel shall be positioned at least one and one-half times the height of the tallest snag and/or danger tree, in distance, from the "no work area" before a go-ahead signal is given. During cat logging, no equipment shall enter into a "no work area" nor shall any logs be yarded from a "no work area."
- (7) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-07314 MEDICAL SURVEILLANCE. (1) At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(2) Examinations.

- (a) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupation background, including genetic and environmental factors.
- (b) Authorized employees shall be provided periodic physical examination, not less often than annually, following the preassignment examination.
- (c) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

Records.

- (a) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment, uncluding retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.
- (b) Records required by this section shall be provided upon request to employees, designated representatives, and the director((; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer)) in accordance with WAC 296-62-05201 through 296-62-05209 and WAC 296-62-05213 through 296-62-05217. These records shall also be provided upon request to the director.
- (c) Any employer who requests a physical examination of one of his employees or prospective employees as required by this section shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-62-14515 ELECTRICAL HAZARDS. (1) Electrical circuits in the confined area which may present a hazard shall be disconnected, locked out and tagged in accordance with WAC 296-62-14513(1)(a). All temporary lights shall be protected against damage and cords shall be heavy duty and kept clear of working spaces and walkways. Only low voltage, battery operated, or ground fault protected equipment shall be used on ((water-slides)) water-sides of boilers or when electrically conductive liquids are involved.

(2) Electric supply circuits, lighting, portable tools, and other equipment used where potentially hazardous concentrations of flammable vapors, gases or dusts are present or may develop shall conform to the current National Electric Code requirements.

(3) Portable electric tools shall be grounded or isolation transformers, ground fault interrupters or double insulated tools shall be required.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-770 OPERATORS. (1) Cranes shall be operated only by regular crane operators, authorized substitutes who have had adequate experience and training under the supervision of a competent operator, or by crane repair person or inspectors.

- (2) No person under the age of eighteen years shall be permitted to operate a crane.
- (3) Operators shall be required to pass a practical examination limited to the specific type of equipment to be operated. Operators shall meet the following physical qualifications:
- (a) Have vision of at least 20/30 Snellen in one eye, and 20/50 in the other, with or without corrective lenses.
- (b) Be able to distinguish red, green, and yellow, regardless of position of colors, if color differentiation is required for operation.
- (c) Hearing, with or without hearing aid, must be adequate for the specific operation.

- (d) A history of epilepsy or an uncorrected disabling heart condition shall be cause for a doctor decision to determine qualifications to operate a crane.
- (4) Hands shall be kept free when going up and down ladders. Articles which are too large to go into pockets or belts shall be lifted to or lowered from the crane by hand line. (Except where stairways are provided.)
- (5) Cages shall be kept free of clothing and other personal belongings. Tools, extra fuses, oil cans, waste and other articles necessary in the crane cage shall be stored in a tool box and not left loose on or about the crane.
- (6) The operator shall familiarize himself fully with all crane rules and with the crane mechanism and its proper care. If adjustments or repairs are necessary, he shall report the same at once to the proper authority.
- (7) The operator shall not eat, smoke or read while actually engaged in the operation of the crane.
- (8) The operator or someone especially designated shall lubricate all working parts of the crane.
- (9) Cranes shall be examined for loose parts or defects each day on which they are in use.
- (10) Sawdust, oil or other debris shall not be allowed to accumulate to create a fire, health or slipping hazard.
- (11) Operators shall avoid, as far as possible, carrying loads over workers. Loads shall not be carried over employees without sounding an audible warning alarm and a flashing warning light.
- (12) Whenever the operator finds the main or emergency switch open, he shall not close it, even when starting on regular duty, until he has made sure that no one is on or about the crane. He shall not oil or repair the crane unless the main switch is open.

(13) If the power goes off, the operator shall immediately throw all controllers to "off" position until the power is again available.

- (14) Before closing the main switch the operator shall make sure that all controllers are in "off" position until the power is again available.
- (15) The operator shall pay special attention to the block, when long hitches are made, to avoid tripping the limit switch.
- (16) The operator shall recognize signals only from the person who is supervising the lift except for emergency stop signals. Operating signals shall follow established standard crane signals as illustrated in WAC 296-78-830 of this chapter. Whistle signals may be used where one crane only is in operation. Cranes shall have audible warning device which shall be sounded in event of emergency.
- (17) Before starting to hoist, the operator shall place the trolley directly over the load to avoid swinging it when being hoisted.
- (18) The operator shall not make side pulls with the crane except when especially instructed to do so by the proper authority.
- (19) When handling maximum loads, the operator shall test the hoist brakes after the load has been lifted a few inches. If the brakes do not hold, the load shall be lowered at once and the brakes adjusted or renaired.
- (20) Bumping into runway stops or other cranes shall be avoided. When the operator is ordered to engage with or push other cranes, he shall do so with special care for the safety of persons on or below cranes.
- (21) When lowering a load, the operator shall proceed carefully and make sure that he has the load under safe control.
- (22) When leaving the cage the operator shall throw all controllers to "off" position and open the main switch.
- (23) If the crane is located out of doors the operator shall lock the crane in a secure position to prevent it from being blown along or off the track by a severe wind.
- (24) Railroad cars shall not be pulled along the tracks with sidepulls on an overhead crane.
- (25) Operators shall not move the crane or a load unless floor signals are clearly understood.
- (26) The rated lifting capacity of a crane shall not be exceeded. If any doubt exists about the weight of a load which might exceed the rated capacity, the foreman in charge must be contacted before any attempt is made to lift the load. The foreman shall determine that the load is within the rated capacity of the crane or the load shall not be lifted.
- (27) Crane operators and floorpersons shall coordinate their activities on every lift or movement of the crane. Both the operator and signalperson shall clearly understand any problem a movement might create with regard to surrounding materials, structures, equipment or personnel.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-145 OCCUPATIONAL NOISE EXPOSURE. (((++))) Employees shall be protected against the effects of exposure to noise ((which exceeds the permissible noise exposure shown in Table 7 of this section)) and shall be provided in accordance with WAC 296-62-09011.

(((2) Threshold Limit Values. These threshold limit values refer to sound pressure levels that represent conditions under which it is believed that nearly all workers may be repeatedly exposed without adverse effect on their ability to hear and understand normal speech. The medical profession has defined hearing impairment as an average hearing threshold level in excess of 25 decibels (ANSI S3.6-1969) at 500, 1000, and 2000 Hz, and the limits which are given have been established to prevent a hearing loss in excess of this value. These values shall be used as a standard in the control of noise exposure.

TABLE 7
Permissible Noise Exposures

DURATION PER DAY HOURS	SOUND LEVEL DBA**
8 	90 92 95 97 100 102 105 107
1/4	115*

*Ceiling Value: No exposure in excess of 115 dBA.

**Sound level in decibels as measured on a standard sound level meter operating on the A-weighting network with slow meter response.

(3) Continuous or Intermittent. The sound level shall be determined by a sound level meter, meeting the standards of the American National Standards Institute and operating on the A-weighting network with slow meter response. Duration of exposure shall not exceed that shown in Table 7:

These values apply to total time of exposure per working day regardless of whether this is one continuous exposure or a number of short-term exposures but does not apply to impact or impulsive type of noises.

(4) Intermittent Exposure. When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect shall be considered, rather than the individual effect of each. If the sum of the following fractions:

exceeds unity, then, the mixed exposure shall be considered to exceed the threshold limit value, C1 indicates the total time of exposure at a specified noise level, and T1 indicates the total time of exposure permitted at that level. Noise exposures of less than 90 dBA do not enter into the above calculations.

(5) Impulsive or Impact Noise. Impulsive or impact noise shall be those variations in noise levels which involve maxima at intervals greater than one (1) second. Where the intervals are less than (1) second, it shall be considered continuous. All impact and impulsive noise measurements should be made on the C-weighting network of a sound level meter in conjunction with an impact noise analyzer or oscilloscope. Exposure to impulsive or impact noise should not exceed 140 decibels peak sound pressure level (ceiling value).

(6) When employees are subjected to sound exceeding those listed in Table 7, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table 7, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table. Insert-type car protectors shall be initially fitted by a person trained in this procedure.

(7) In all cases where the sound levels exceed the values shown in Table 7 of this section, it is recommended that employees whose duties may subject them to these potentially harmful noise levels be provided

with an audiometric examination at the time of employment and at reasonable intervals thereafter not exceeding an 18-month period.

(8) Employees employed in areas where the sound level is above the level deemed to be safe should cooperate in an audiometric testing program: Employees shall be informed of the test results by an authorized person.))

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-220 RESPIRATORY PROTECTION. (((++))) General. (((+a))) In emergencies, or when controls required by Part B of this Chapter either fail or are inadequate to prevent harmful exposure to employees, appropriate respiratory protective devices shall be provided by the employer and shall be used in accordance with WAC 296-62-071.

(((b) Respiratory protective devices shall be approved by the U.S. Bureau of Mines or acceptable to the Department of Labor and Industries or the U.S. Department of Labor for the specific contaminant to which the employee is exposed.

(2) Respirator Selection. (a) The chemical and physical properties of the contaminant, as well as the toxicity and concentration of the hazardous material, shall be considered in selecting the proper

(b) The nature and extent of the hazard, work requirements, and conditions, as well as the limitations and characteristics of the available respirators, shall also be factors considered in making the proper selection.

(c) The following table lists the types of respirators required for protection in dangerous atmospheres:

TABLE C-4
SELECTION OF RESPIRATORS

Hazard	Respirator (See Note)
Oxygen deficiency	Self-contained breathing apparatus. Hose mask with blower Combination air-line respirato with auxiliary self-contained ai supply or an air storage receive with alarm.
Gas and vapor contaminants immediately dangerous to life and health.	- - Self-contained breathing appara
	tus. Hose mask with blower Air-purifying, full facepiece respirator with chemical caniste (gas mask). Self-rescue mouth piece respirator (for escaponly). Combination airline respirator with auxiliary self-contained air supply or an air storage receiver with alarm.
Not immediately dangerous to	-
life and health.	Air-line respirator. Hose mas without blower. Air-purifying half-mask or mouth-piece resp rator with chemical cartridge.
Particulate contaminants im- mediately dangerous to life	_
and health.	Self-contained breathing apparatus. Hose mask with blower Air-purifying, full facepiece respirator with appropriate filte Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receive with alarm.
Not immediately dangerous to	_
life and health.	Air-purifying, half-mask

TABLE C-4--cont: Hazard Respirator (Sec Note) mouthpiece respirator with filter pad or cartridge. Air-line respirator: Air-line abrasive-blasting respirator. Hose-mask without blower. Combination gas, vapor, and particulate contaminants immediately dangerous to life and health: Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with chemical canister and appropriate filter (gas mask with filter). Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm: Not immediately dangerous to life and health. Air-line respirator. Hose mask without blower. Airpurifying, half-mask or mouthpiece respirator with chemical cartridge and appropriate filter. For the purpose of this part, "immediately dangerous to life and health" is defined as a condition that either poses an im-

(3) Selection, Issuance, Use and Care of Respirators. (a) Employees required to use respiratory protective equipment for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

health:

mediate threat to life and health or an immediate threat of

severe exposure to contaminants, such as radioactive materi-

als, which are likely to have adverse delayed effects on

(b) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(c) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.))

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-306-200 ROLL-OVER PROTECTIVE STRUCTURES (ROPS) FOR TRACTORS USED IN AGRICULTURAL OPERATIONS. (1) Scope. Agricultural tractors manufactured after October 25, 1976, shall meet the requirements in this section.

- (2) Roll-over protective structure. A roll-over protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in subsection (6) of this section, ROPS used on wheel-type tractors shall meet the test and performance requirements of WAC 296-306-250 through 296-306-25023 and ROPS used on track-type tractors shall meet the test and performance requirements of WAC 296-306-260 through 296-306-270. (See ROPS Design and Testing Criteria Addendum.)
- (3) Seatbelts. (a) Where ROPS are required by this section, the employer shall:
- (i) Provide each tractor with a seatbelt which meets the requirements of this subsection;
- (ii) Require that each employee uses such seatbelt while the tractor is moving; and

- (iii) Require that each employee tightens the seatbelt sufficiently to confine the employee to the protected area provided by the ROPS.
- (b) Each seatbelt shall meet the requirements set forth in Society of Automotive Engineers Standard SAE J4C, 1965 Motor Vehicle Seat Belt Assemblies,* except as noted hereafter:
- (i) Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat to accommodate a ride motion of the operator.
- (ii) The seatbelt anchorage shall be capable of withstanding tensile loading as required by WAC 296-306-275 through 296-306-275(2)(c).
- (iii) The seatbelt webbing material shall have a resistance to acids, alkalis, mildew, aging, moisture and sunlight equal to or better than that of untreated polyester fiber.
- (4) Protection from spillage. Batteries, fuel tanks, oil reservoirs and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator in the event of an upset.
- (5) Protection from sharp surfaces. All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.
- (6) Exempted uses. Items (2) and (3) of this section do not apply to the following uses:
- (a) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and while their use in incidental to the work performed therein.
- (b) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein.
- (c) Tractors while used with mounted equipment which is incompatible with ROPS (e.g., cornpickers, cotton strippers, vegetable pickers and fruit harvesters.)
- (d) Track-type agricultural tractors whose overall width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than 7-miles per hour, when used only for tillage or harvesting operations and while their use is incidental thereto, and which:
- (i) Does not involve operating on slopes in excess of 40 ((degrees)) percent from horizontal((;)); and
- (ii) Does not involve operating on piled crop products or residue, as for example, silage in stacks or pits, and
- (iii) Does not involve operating in close proximity to irrigation ditches, streams or other excavations more than two feet deep which contain slopes of more than 40 ((degrees)) percent from horizontal((;)); and
- (iv) Does not involve construction-type operation, such as bulldozing, grading or land clearing.
- (7) Remounting. Where ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this subsection.
- (8) Labeling. Each ROPS shall have a label, permanently affixed to the structure, which states:
 - (a) Manufacturer's or fabricator's name and address;
 - (b) ROPS model number, if any;
- (c) Tractor makes, models, or series numbers that the structure is designed to fit; and
- (d) That the ROPS model was tested in accordance with the requirements of this section.
- (9) Operating instructions. Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Exhibit A of this section and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.
 - *Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096.

EXHIBIT A

EMPLOYEE OPERATING INSTRUCTIONS

- 1. Securely fasten your seat belt if the tractor has a ROPS.
- Where possible, avoid operating the tractor near ditches, embankments and holes.
- Reduce speed when turning, crossing slopes and on rough, slick or muddy surfaces.
- 4. Stay off slopes too steep for safe operation.

- Watch where you are going, especially at row ends, on roads and around trees.
- Passengers, other than persons required for instruction or machine operation, shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.
- Operate the tractor smoothly—no jerky turns, starts, or stops.
- 8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
- When tractor is stopped, set brakes securely and use park lock if available.

NOTE: See Number LI-414-28.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-350-400 POSTING OF NOTICES—POSTING OF CITATION AND NOTICE—AVAILABILITY OF ACT AND APPLICABLE STANDARDS. (1) Definitions. The definitions of WAC 296-350-010 and 296-27-020 shall apply to this section.

- (2) Each employer shall post and keep posted a notice or notices (the WISHA Poster, WISHERS No. 1) to be furnished by the Division of Industrial Safety and Health, Department of Labor and Industries, informing employees of the protections and obligations provide for in the act and that for assistance and information, including copies of the act, and of specific safety and health standards employees should contact the employer or the nearest office of the Department of Labor and Industries. Such notice or notices shall be posted by the employer at each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to assure that such notices are not altered, defaced or covered by other material.
- (3) The notice identified in subsection (2) of this section shall be posted in each establishment of the employer as defined in WAC 296-27-020(7).
- (4) All notices required to be posted by provisions of the act, provisions of this chapter or the provisions of any other safety and health standard, rule or regulation adopted pursuant to the authority of the act, shall be posted as required by this section, or as required by the act, or as required by the provision of the applicable safety and health standard, rule or regulation.
- (5) Unless otherwise specified in this section, the act, or the applicable safety and health standard, rule or regulation, notices or other materials required to be posted, shall be posted in each establishment of the employer, as defined in WAC 296-27-020(7).
- (6) Copies of the act, all regulations published in this chapter and all applicable standards shall be available at all regional offices of the Division of Industrial Safety and Health, Department of Labor and Industries. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative on the same day the request is made, or at the earliest time mutually convenient to the employee or his authorized representative and the employer, for review by the requesting employee or authorized representative.
- (7) Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of section 12 and 18 of the act. (RCW 49.17.120 and 49.17.180.)
- (8) Documents required to be posted include, but shall not be limited to the following:
- (a) A copy or copies of an application or applications for a variance or variances from any safety and health standards applied for in accordance with RCW 49.17.080 or 49.17.090 shall be posted at each establishment to which the variance, if granted, will apply. The manner of posting such applications shall be in accordance with subsections (4) and (5) of this section.
- (b) Upon receipt of any CITATION AND NOTICE issued by the department pursuant to RCW 49.17.120 or 49.17.130, the employer shall immediately post the CITATION AND NOTICE or a copy thereof in a prominent place at or near each place a violation referred to in the CITATION AND NOTICE occurred. Where, because of the nature of the employer's operations, it is not practicable to post the CITATION AND NOTICE or a copy thereof at or near each place of violation, the CITATION AND NOTICE or a copy thereof shall be posted in the establishment of the employer, as defined in WAC 296-27-020(7).

The posted CITATION AND NOTICE or copy thereof shall be complete and shall not be abstracted, edited or otherwise changed from the original. The posted CITATION AND NOTICE or copy thereof shall be readily visible, and shall not be defaced or covered by other material.

The CITATION AND NOTICE or copy thereof shall remain posted as required by this subsection until the violation(s) has been abated, or for three working days, whichever is longer.

- (c) A copy of the Notice of Filing of Appeal pursuant to RCW 49-.17.140, the Notice of Conference pursuant to WAC 263-12-090, and the Notice of Hearing pursuant to WAC 263-12-100 shall be posted by the employer at each establishment to which the Notices apply in a conspicuous place or places where notices to employees are customarily posted. The manner of posting such notices shall be in accordance with subsections (4) and (5) of this section.
- (d) In the event that a proposed agreement settling an appeal of a citation and Notice to the Board of Industrial Insurance Appeals is reached between the employer and the Department without the concurrence of the affected employees or employee groups, a copy of the proposed agreement shall be posted by the employer at each establishment to which the agreement applies in a conspicuous place or places where notices to employees are customarily posted. The agreement shall be posted for 10 days before it ((it)) is filed with the Board of Industrial Insurance Appeals. The manner of posting shall be in accordance with subsections (4) and (5) of this section.
- (e) Notices required to be posted by specific provisions of any safety and health standard or other rule or regulation duly adopted by the director shall be posted according to the standard, rule or regulation requiring such posting. If the provision containing the requirement for posting does not specify the manner of posting, such posting shall conform to the requirements of subsections (4) and (5) of this section.

WSR 83-05-025 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 83-11-Filed February 10, 1983]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted pursuant to the Columbia River compact.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 10, 1983.

By William R. Wilkerson

By William R. Wilkerson Acting Director

NEW SECTION

WAC 220-32-03000G GILL NET SEASON Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031 and WAC 220-32-032, it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and

1E, except in those areas, at those times and with the gear designated below:

Areas 1A, 1B, 1C and that portion of 1D downstream from a line perpendicular to the thread of the river from Kelley Point, east bank of Willamette River.

12:00 noon February 16 until 6:00 p.m. February 18, 1983.
12:00 noon February 20 until 6:00 p.m. February 25, 1983.
12:00 noon February 27 until 6:00 p.m. March 4, 1983
8 inch minimum mesh restriction.

WSR 83-05-026 EMERGENCY RULES DEPARTMENT OF GAME (Game Commission)

[Order 193—Filed February 10, 1983]

Be it resolved by the Washington State Game Commission, acting at Olympia, by conference call, that it does adopt the annexed rules relating to closure of the Green River System and Marine Area 10A, Lake Washington System (10B, 10C), Humptulips River System and Marine Area 2C and the Hoh River System to the taking of steelhead trout by treaty Indians, WAC 232-32-149.

We, the Washington State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is data gathered by the Department of Game from information provided by fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Green River System and Marine Area 10A, Lake Washington System (10B, 10C), Humptulips River System and Marine Area 2C and the Hoh River System (pursuant to the reporting system approved by the United States District Court in United States vs. Washington) indicates that the treaty Indian share of harvestable steelhead for these areas has been reached or will have been reached on the effective date of this order. Therefore, it is necessary to close the above mentioned areas to assure spawning escapement and to assure that non-Indian sport fishermen can take their share.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.150 and 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 10, 1983.

By Archie U. Mills

Chairman, Game Commission

NEW SECTION

WAC 232-32-149 CLOSURE OF THE GREEN RIVER SYSTEM AND MARINE AREA 10A, LAKE WASHINGTON SYSTEM (10B, 10C), HUMPTULIPS RIVER SYSTEM AND MARINE AREA 2C AND THE HOH RIVER SYSTEM TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. Effective 6:00 p.m., February 12, 1983, it is unlawful for treaty Indians to take, fish for or possess steelhead trout from the Green River System and Marine Area 10A, Lake Washington System (10B, 10C), Humptulips River System and Marine Area 2C and the Hoh River System.

WSR 83-05-027 PROPOSED RULES HORSE RACING COMMISSION

[Filed February 10, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning jockey apprentice allowances and extensions, amending WAC 260-32-360;

that the agency will at 2:00 p.m., Friday, March 25, 1983, in the Holiday Inn, 9 North 9th Street and East Yakima Avenue, Yakima, Washington 98901, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 61.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Wednesday, March 23, 1983.

Dated: February 9, 1983 By: Robert Earley Executive Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 260-32-360 relating to the rules of horse racing.

WAC 260-32-360 is proposed for amendment as indicated in the notice of intention to adopt rules filed this date with the code reviser.

This rule adoption is proposed pursuant to RCW 67-.16.020 and 67.16.040 under the general rule-making authority of the Washington Horse Racing Commission.

The proposed adoption of WAC 260-32-360 is intended to extend the number of races in which a jockey may ride as an apprentice.

Robert Earley, Executive Secretary, Suites B and C, 210 East Union Avenue, Olympia, Washington 98504, telephone no. (206) 753–3741, and members of his staff were responsible for the drafting of the proposed rule

and are to be responsible for its implementation and enforcement.

The proponent of the new rule is the Washington Horse Racing Commission.

There are no comments or recommendations being submitted inasmuch as the new rule is being proposed pursuant to existing statutory authority.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and to the Chief Clerk of the House of Representatives.

Small Business Economic Impact Statement: The amending of WAC 260-32-360 is not anticipated to affect more than twenty percent of all industries, nor more than ten percent of any one industry as defined by section 2(3), chapter 6, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

AMENDATORY SECTION (Amending Order 77.1, filed 4/22/77)

WAC 260-32-360 <u>APPRENTICE</u> ALLOWANCES AND ((APPRENTICE PERIOD)) EXTENSIONS. (1) Any person sixteen years of age or over((;)) who has never previously been licensed as a jockey in any country((;)); and who has of his own free will; and, if under age, with the written consent of his parents or guardian, bound himself to an owner or trainer for a ((term)) period of not less than three nor more than five years (subject to written extension if made for less than five years) by written contract approved by and filed with the commission((;)); and after at least one year service with a racing stable, may claim in all overnight races except handicaps((, the following allowances:

(a) Ten pounds until he has ridden five winners and seven pounds until he has ridden an additional 30 winners; if he has ridden 35 winners prior to the end of one year from the date of riding his fifth winner, he shall have an allowance of five pounds until the end of that year.

(b) After the completion of conditions above, for one year he may claim three pounds when riding horses owned or trained by his original contract employer provided his contract has not been permanently transferred or sold since his first winner.

(c))) an allowance of five pounds until he has ridden forty-five winners.

(2) The commission may grant apprentice period extensions((; and)). To be eligible for such extensions, apprentices shall not have ridden a horse either in a race or morning exercise for a period of at least two consecutive weeks. The commission may extend the terms of apprentice allowance period if an apprentice rider is unable to ride because of service in the Armed Forces of the United States, can not ride because of injuries incurred in the conduct of his vocation, restriction of racing within the state((;)): or is enrolled full time in school and making progress toward a diploma or degree as attested to by school authorities ((and)): PROVIDED, That during ((which time)) such times he does not ride in a race.

WSR 83-05-028 PROPOSED RULES LOTTERY COMMISSION

[Filed February 10, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning adding new sections WAC 315-12-010, 315-12-020, 315-12-030, 315-12-040, 315-12-050,

315–12–060, 315–12–070, 315–12–080, 315–12–090, 315–12–100, 315–12–110, 315–12–120, 315–12–130, 315–12–140 and 315–12–150;

that the agency will at 10:00 a.m., Friday, April 8, 1983, in the Transportation Commission Meeting Room, Second Floor, Highways Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed and the specific statute these rules are intended to implement is as follows:

WAC 315-12-010 - RCW 42.17.250, RCW 42.17.250 - 42.17.340:

WAC 315-12-020 - RCW 42.17.250, RCW 42.17.250 - 42.17.340;

WAC 315-12-030 - RCW 42.17.250, RCW 42.17.250; WAC 315-12-040 - RCW 42.17.250, RCW 42.17.250; WAC 315-12-050 - RCW 42.17.250, RCW 42.17.260 - 42.17.270:

WAC 315-12-060 - RCW 42.17.250, RCW 42.17.250 - 42.17.340;

WAC 315-12-070 - RCW 42.17.250, RCW 42.17.280; WAC 315-12-080 - RCW 42.17.250, RCW 42.17.260 - 42.17.270;

WAC 315-12-090 - RCW 42.17.250, RCW 42.17.300; WAC 315-12-100 - RCW 42.17.250, RCW 42.17.310; WAC 315-12-110 - RCW 42.17.250, RCW 42.17.320; WAC 315-12-120 - RCW 42.17.250, RCW 42.17.320; WAC 315-12-130 - RCW 42.17.250, RCW 42.17.290; WAC 315-12-140 - RCW 42.17.250, RCW 42.17.260;

and WAC 315-12-150 - RCW 42.17.250, RCW 42.17.250 - 42.17.340.

This notice is connected to and continues the matter in Notice No. WSR 83-01-108 filed with the code reviser's office on December 21, 1982.

Dated: February 9, 1983 By: Richard A. Finnigan for Paul L. Mack Chairman

WSR 83-05-029 ADOPTED RULES LOTTERY COMMISSION

[Order 14—Filed February 10, 1983]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to adding new sections WAC 315-04-220, 315-06-120, amending WAC 315-04-040, 315-04-090, 315-04-190, 315-06-050, 315-06-160 and 315-10-020.

This action is taken pursuant to Notice No. WSR 83-01-117 filed with the code reviser on December 22, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 67.70.040 and 67.70.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 4, 1983.

By Paul L. Mack Chairman

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-040 GENERAL LICENSE. The director may issue a general license to an applicant who qualifies for licensure. The general license shall authorize the licensed agent to conduct the routine sale of tickets at the location specified on the general license. An addendum to the general or provisional license may be obtained as provided for in WAC ((315-06-050)) 315-04-220, permitting the licensed agent to sell tickets in locations other than that specified on its license. The general license shall be valid for one year after the date of issuance, except as provided in WAC 315-04-100.

AMENDATORY SECTION (Amending Order 2, filed 10/15/82)

WAC 315-04-090 LICENSE ISSUANCE ELIGIBILITY. (1) The director may issue a license to any person to act as a licensed agent who meets the eligibility criteria established by chapter 7, Laws of 1982, 2nd ex. sess., and these rules.

- (2) Before issuing a license, the director shall consider:
- (a) the financial responsibility and security of the person and its business or activity;
- (b) the background and reputation of the applicant in the community for honesty and integrity;
- (c) the type of business owned or operated by the applicant to ensure consonance with the dignity of the state, the general welfare of the people and the operation and integrity of the lottery;

(((c))) (d) the accessibility of the applicant's place of business or activity to the public;

(((d))) (e) the sufficiency of existing licenses to serve the public convenience;

(((e))) (f) the volume of expected sales;

- $((\frac{f}{f}))$ (g) the veracity of the information supplied in the application for a licensed agent license; and
- (((g))) (h) the applicant's indebtedness to the state of Washington, local subdivisions of the state and/or the United States government.
- (3) The director may condition the issuance of any license upon the posting of a bond in such terms and conditions as the director may require.

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-190 COMPENSATION. Licensed agents shall be entitled to a five percent ((sales commission)) discount from the retail price of the tickets established by rule for each game. The terms and conditions of ((payment of the sales commission)) the discount shall be subject to the terms and conditions established by the director for the conduct of a specific game.

NEW SECTION

WAC 315-04-220 LIMITED OFF PREMISES SALES PERMIT. The director may permit any licensed agent who has been issued a general or provisional license to sell tickets in locations other than that specified on its license and to employ persons to make such sales provided that:

- (a) the director shall specify the geographical area in which such sales may be made, and the types of locations in which such sales may be made.
- (b) any person making such sales shall be individually approved by the director and shall display identification in such form and manner as shall be prescribed by the director.
- (c) the licensed agent and its employees shall abide by such other instructions and restrictions as may be prescribed by the director to govern such sales.
- (d) the licensed agent's license shall bear an addendum with the phrase "Limited off premises sales permitted," and the licensed agent shall display with its license the addendum which sets forth the terms and conditions under which such sales may be made. A photocopy of the addendum shall be posted at each location where off premises sales are permitted.

AMENDATORY SECTION (Amending Order 2, filed 10/15/82)

V WAC 315-06-050 LOCATION OF SALE. (((++))) Tickets may be sold by any person who is issued a license to act as a licensed agent at the location specified on the license, subject to the director's authority as set forth in sections 5 and 7, chapter 7, Laws of 1982 2nd ex. sess., and these rules.

(((2) The director may permit any licensed agent who has been issued a general license to sell tickets in locations other than that specified on its license and to employ persons to make such sales provided that:))

(((a) The director shall specify the geographical area in which such which may be made, and the types of locations in which such sales may be made.))

- (((b))) No such sales shall be made on premises used primarily for residential purposes, in or on the property of any school, or in or upon the property of any facility operated primarily for providing welfare services to the poor or infirmed, or in any facility maintained solely for religious worship.
- (((c) Any person making such sales shall be individually approved by the director and shall display identification in such form and manner as shall be prescribed by the director.))

(((d) The licensed agent and its employees shall abide by such other instructions and restrictions as may be prescribed by the director to govern such sales.))

(((e) The licensed agent's license shall bear an addendum with the phrase "Limited off premises sales permitted," and the licensed agent shall display with its license the addendum which sets forth the terms and conditions on which such sales may be made. A photocopy of the addendum shall be posted at each location where off premise sales are permitted.))

NEW SECTION

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

- (2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.
- (3) Unless otherwise provided in the rules for a specific type of game, a claimant shall fill out a claim form approved by the director, present the form with the claimant's ticket at a designated claim center, and receive a copy of the claim form as his or her receipt. In order to claim a prize, each claimant must complete and sign a claim form which shall include the following provisions:
- (a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize;
- (b) The discharge of the commission, director and employees of the commission of all further liability upon payment of the prize; and
- (c) Permission to use the claimant's name and photograph for publicity purposes upon award of the prize.
- (4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than 180 days after determination of the winning ticket.
- (5) The director may deny awarding a prize to a claimant if:
 - (a) The ticket was not legally issued initially;
- (b) The ticket was stolen from the commission, director, its employees or agents, or from a licensed agent; or
- (c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.
- (6) No person entitled to a prize may assign his or her right to claim it except:
- (a) That payment of a prize may be made to any court appointed legal representative, including, but not

limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

- (b) For the purposes of paying federal, state or local
- (7) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may, in his or her discretion, refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.
- (8) A ticket that has been legally issued by a licensed agent is a bearer instrument until signed. The person who signs the ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.
- (9) All prizes shall be paid within a reasonable time after the claims are verified by the director and a winner is determined. The date of the first installment payment of each prize requiring installment payments shall be the commencement date of the payments and a payment shall be made on the anniversary date of said payment thereafter in accordance with the type of prize awarded.
- (10) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each original anniversary date thereafter.
- (11) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.
- (12) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.
- (13) Each licensed agent shall pay all prizes authorized to be paid by the licensed agent by these rules during its normal business hours at the location designated on its license.
- (14) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

AMENDATORY SECTION (Amending Order 5, filed 10/15/82)

WAC 315-06-160 LICENSED AGENT'S IDENTIFICATION CARD. (1) The director will issue to each licensed agent an identification card which must be presented by it or its authorized representative when taking delivery of tickets from the authorized depositories. No depository shall issue any tickets until the licensed agent or its authorized representative presents its

identification card and fulfills all instructions of the director.

- (2) In the event the identification card is lost or otherwise misplaced the licensed agent must immediately notify by telephone its assigned depository and the director, and confirm the loss in writing within 24 hours to the director. The depository shall not, in any way, transact business with any person presenting himself or herself with the reported lost identification card until otherwise notified by the director.
- (3) Each licensed agent shall give notice in writing to the licensed agent's assigned depository and to the director the name and address of each person in his or her business who is authorized to request and to take delivery of tickets, to deposit receipts from the sale of tickets and to otherwise have dealings with the depository. Each authorized person must identify himself or herself to the depository by means of a licensed agent's identification card received from the director before tickets are delivered. Each licensed agent is restricted to his or her assigned depository for the purpose of conducting lottery business in conformity to law, and these rules, unless otherwise instructed by the director.
- (4) Upon the loss, mutilation or destruction of any identification card issued by the director, application for a duplicate must be made on a form approved by the director. A statement signed by the licensed agent which details the circumstances under which the identification card was lost, mutilated, or destroyed and certifies that such identification card was, in fact, lost, mutilated or destroyed, shall accompany such application. The fee for the duplicate of an identification card shall be \$10.00. A mutilated identification card shall be surrendered to the director upon issuance or denial of a duplicate. A lost identification card, when found, must be immediately surrendered to the director.

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

✓WAC 315-10-020 DEFINITIONS. (1) Ticket. The ticket purchased for participation in an instant game.

- (2) Instant Game. A game in which a ticket is purchased and upon removal of a latex covering on the front of the ticket, the ticket bearer determines his or her winnings, if any.
- (3) Ticket Bearer. The person who has signed the ticket or has possession of the unsigned ticket.
- (4) Play Numbers. The numbers or symbols appearing in the designated areas under the removable covering on the front of the ticket.
- (5) Validation Number. The multi-digit number found underneath the "void if removed" area on the ticket and on any ticket stub. There must be a validation number on the ticket or any stub.

WSR 83-05-030 ADOPTED RULES LOTTERY COMMISSION

[Order 15-Filed February 10, 1983]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to adding new sections WAC 315-11-040 and 315-11-042.

This action is taken pursuant to Notice No. WSR 83-01-109 filed with the code reviser on December 21, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 4, 1983.

By Paul L. Mack Chairman

NEW SECTION

WAC 315-11-040 DEFINITIONS FOR IN-STANT GAME NUMBER 2 (1) Play Numbers for Instant Game Number 2 – The following are the "Play Numbers": "\$2.00", "\$5.00", "\$100", "\$1,000", "\$5,000", and graphic depiction of a four leaf clover. Each such Play Number is printed in gray-black ink and one of these Play Numbers appears under each of the six rub-off spots on the front of the ticket in the Archer font in positive.

- (2) Validation Number for Instant Game Number 2 The nine-digit number on the front, bottom center of the ticket under the Do Not Remove area. There is no ticket stub for Instant Game Number 2.
- (3) Pack-Ticket Number for Instant Game Number 2 The ten-digit number of the form 2000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the Pack-Ticket Number for Instant Game Number 2 constitute the "Pack-Number" and start at 2000001 for Instant Game Number 2. The last three digits of the Pack-Ticket Number for Instant Game Number 2 constitute the "Ticket Number" which starts at 000 and continues sequentially through 199 within each pack of tickets.
- (4) Captions for Instant Game Number 2 The small printed material appearing below each Play Number which verifies and corresponds with the Play Number. The Caption is a spelling out, in full or abbreviated form, of the Play Number, except in the case of the Play Number which is a graphic depiction of a clover leaf. One and only one of these Captions appears under each Play Number and is printed in gray-black ink in positive in 5 x 9 font. For Instant Game Number 2, the Captions which correspond with and verify the Play Numbers for Instant Game Number 2 are:

Play Number	Caption
\$2.00	TWO
\$5.00	FIVE
\$100	1 HUND
\$1,000	ONE THOU
\$5,000	FIVE THOU
æ	DOUBLE
101	

(5) Agent Validation Codes for Instant Game Number 2 – Agent Validation Codes are codes consisting of small letters found under the removable covering on the front of the ticket, which the licensed agent uses to verify and validate winners below \$25. For Instant Game Number 2, the Agent Validation Code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the Play Numbers. For Instant Game Number 2, the Agent Validation Code is used by the licensed agent to verify \$2, \$4, \$5, and \$10 winners and the Code which corresponds with, and verifies, each of these winners is as follows:

TWO = \$2 FOR = \$4 FIV = \$5 TEN = \$10

(6) Pack for Instant Game Number 2 – A pack of fanfolded instant game tickets which are attached to each other by perforations, which perforations the licensed agent tears when the agent sells a ticket, and which fanfolded tickets are packed in a plastic bag or a plastic shrinkwrapping. In Instant Game Number 2, a "Pack" shall consist of 200 fanfolded instant game tickets bearing a common "Pack Number" and having a "Ticket Number."

NEW SECTION

WAC 315-11-042 TICKET VALIDATION RE-QUIREMENTS (1) Besides meeting all of the other requirements in these rules and regulations, the following validation requirements will apply with regard to instant game tickets in Instant Game Number 2. To be a valid instant game ticket, all of the following requirements must be met:

- (a) Exactly one Play Number must appear under each of the six rub-off spots in the right-hand portion of the ticket.
- (b) Each of the six Play Numbers must have a Caption underneath, and each must agree with its Caption.
- (c) Each of the six Play Numbers must be present in its entirety and be fully legible.
- (d) Each of the six Captions must be present in its entirety and be fully legible.
- (e) Each of the six Play Numbers and their Captions must be printed in gray-black ink.
 - (f) The ticket shall be intact.
- (g) The Pack-Ticket Number, Validation Number and Agent Validation Code must be present in their entirety and be legible. The Validation Number shall correspond, using lottery's codes, to the Play Number on the ticket.

- (h) The ticket must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.
- (i) The ticket must not be counterfeit in whole or in part.
- (j) The Validation Number and Agent Validation Code shall be printed in gray-black ink, and the Pack-Ticket Number shall be printed in red ink.
- (k) The ticket must have been issued by the director in an authorized manner.
- (1) The ticket must not be stolen nor appear on any list of omitted tickets on file with the director.
- (m) The Play Numbers, Captions, Validation Number, Agent Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner.
- (n) The ticket must be complete, not miscut, and have exactly one Pack-Ticket Number, exactly one Agent Validation Code, and exactly one Validation Number.
- (o) The Validation Number of an apparent winning ticket shall appear on the lottery's Official List of Validation Numbers of winning tickets; and a ticket with that Validation Number shall not have been previously paid.
- (p) The ticket must not be blank, or partially blank, misregistered, defective, or printed or produced in error.
- (q) Each of the Play Numbers must be exactly one of those described in WAC 315-11-040(1) above and each of the Captions to the six Play Numbers must be exactly one of those described in WAC 315-11-040(4) above.
- (r) Each of the six Play Numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file with the director; each of the 6 Captions must be printed in the 5 x 9 font and must correspond precisely to the artwork on file with the director; the Pack-Ticket Number must correspond precisely to the artwork on file with the director; and the Validation Number must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.
- (s) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.
- (t) No portion of the "DO NOT REMOVE" spot may be exposed.
- (u) The ticket must pass all additional confidential validation requirements of the director.
- (2) Any ticket failing any of the validation requirements in WAC 315-11-042(1) is void and ineligible for any prize.
- (3) The director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current lottery game). In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current lottery game). However, (a) if the only validation check that a ticket fails is WAC 315-11-042(1)(t), or (b) if the ticket is partially mutilated, or (c) if the ticket is not intact, and the ticket can still be validated by the other validation requirements, the director may, in his or her discretion, pay the prize for that ticket.

WSR 83-05-031 EMERGENCY RULES LOTTERY COMMISSION

[Order 16—Filed February 10, 1983]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to adding new sections WAC 315-11-050, 315-11-051 and 315-11-052.

We, the Washington State Lottery Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the state Lottery Commission hereby declares the adoption of each and every one of the rules adopted by it today to be necessary to protect the public health, safety and welfare and are adopted on an emergency basis to protect the public health, safety and welfare. The governor of this state has proclaimed the state to be in a fiscal and budgetary crisis. The legislature of the state, in adopting legislation authorizing a state lottery, directed the commission to promulgate rules in order that a lottery be initiated at the earliest feasible and practicable time and in order to produce the maximum amount of net revenues for the state. In order to aid the governor in solving the state's fiscal and budgetary crisis and to meet the legislature's statutory mandate to the commission, the adoption of these regulations on an emergency basis is necessary.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 67.70 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 4, 1983.

By Paul L. Mack Chairman

NEW SECTION

WAC 315-11-050 DEFINITIONS FOR IN-STANT GAME NUMBER 3 ("BURIED TREA-SURE"). (1) Play Numbers for Instant Game Number 3 - The following are the "Play Numbers": "\$2.00", "\$5.00", "50.00", "\$1,000", "10,000". Each such Play Number is printed in gray-black ink and one of these Play Numbers appears under each of the six rub-off spots on the ticket front in the Archer font in positive.

(2) Validation Number for Instant Game Number 3 – The nine-digit number on the front, bottom center of the ticket under the "DO NOT REMOVE" area.

(3) Pack-Ticket Number for Instant Game Number 3

- The ten-digit number of the form 3000001-000 printed on the back of the ticket in .11" high type in red. The

first seven digits of the Pack-Ticket Number for Instant Game Number 3 constitute the "Pack-Number" and start at 3000001; the last three digits constitute the "Ticket Number" which starts at 000 and continues sequentially through 399 within each pack of tickets.

(4) Captions for Instant Game Number 3 – The small printed material appearing below each Play Number which verifies and corresponds with that Play Number. The Caption is a spelling out, in full or abbreviated form, of the Play Number. Only one Caption appears under each Play Number and is printed in gray-black ink in positive in 5 x 9 font. The Captions which correspond with and verify each Play Number are:

 Play Number
 Caption

 \$2.00
 TWO

 \$5.00
 FIVE

 50.00
 FIFTY

 \$1,000
 ONE THOU

 10,000
 TEN THOU

(5) Agent Validation Codes for Instant Game Number 3 – codes consisting of small letters found under the removable covering on the ticket front, which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 3, the Agent Validation Code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the Play Numbers. The Agent Validation Code is used by the licensed agent to verify \$2.00 and \$5.00 winners. The codes which correspond with and verify each of these winners are:

$$TWO = $2.00$$

 $FIV = 5.00

(6) Pack For Instant Game Number 3 – A pack of 400 fanfolded instant game tickets, packed in a plastic bag or a plastic shrinkwrapping, which are attached to each other by perforations at which perforations the licensed agent tears when the agent sells a ticket.

NEW SECTION

WAC 315-11-051 CRITERIA FOR INSTANT GAME NUMBER 3. (1) The price of each instant game ticket shall be \$1.00.

- (2) Determination of Prize Winning Tickets An instant prize winning ticket is determined in Instant Game Number 3 in the following manner:
- (a) A \$2.00 prize winning ticket shall have an occurrence of "\$2.00" as a Play Number in each of 3 separate boxes on the ticket;
- (b) A \$5.00 prize winning ticket shall have an occurrence of "\$5.00" as a Play Number in each of 3 separate boxes on the ticket;
- (c) A \$50.00 prize winning ticket shall have an occurrence of "50.00" as a Play Number in each of 3 separate boxes on the ticket;
- (d) A \$1,000 prize winning ticket shall have an occurrence of "\$1,000" as a Play Number in each of 3 separate boxes on the ticket;
- (e) A \$10,000 prize winning ticket shall have an occurrence of "10,000" as a Play Number in each of 3 separate boxes on the ticket;

(f) In any event, only the highest instant prize amount meeting the standards of (a) through (e) will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a

part of the instant game.

- (4) The determination of prize winners shall be subject to the general ticket validation requirements, to the particular validation requirements for Instant Game Number 3, and to the requirements set forth on the back of each ticket.
- (5) Instant prize winning tickets shall be redeemed in the manner set forth on the back of the ticket.
- (6) Participants in the Grand Prize Drawings shall be those validated instant prize winners of exactly \$50 who submit prize claims within 30 days after the announced end of Instant Game Number 3 in the manner prescribed on the back of the instant ticket. One Grand Prize Drawing will be held for Instant Game Number 3 after that game's conclusion, at the time and place and pursuant to the methods to be announced by the director. The prizes to be awarded in the Grand Prize Drawing will be: one 1st prize of \$1,000 a week for life with the weekly prize payments starting at age 18 or older, with a minimum payment of \$1,000,000 guaranteed; one 2nd prize of \$500,000 paid as \$50,000 per year for ten years; two 3rd prizes of \$250,000 paid as \$25,000 per year for ten years; two 4th prizes of \$75,000; four 5th prizes of \$50,000 each; four 6th prizes of \$25,000 each; and six 7th prizes of \$10,000 each. The director reserves the right provided by WAC 315-10-030(7)(a) to place any instant prize winner who is entitled to entry in a Grand Prize Drawing whose entry was not entered into the elimination drawing for such Grand Prize Drawing and who is subsequently determined to have been entitled to such entry, into the elimination drawing of a subsequent Grand Prize Drawing of a subsequent instant game having equal (or greater) Grand Prizes available.

(7) Notwithstanding any other provisions of these rules, the director may: (a) vary the length of Instant

Game Number 3, and/or

(b) vary the number of tickets sold in Instant Game Number 3 and the number of Grand Prize Drawing winners in a manner that will maintain the estimated average odds of winning a Grand Prize Drawing.

NEW SECTION

WAC 315-11-052 TICKET VALIDATION RE-QUIREMENTS. (1) Besides meeting all of the other requirements of these rules and regulations, the following validation requirements will apply to instant game tickets in Instant Game Number 3. To be a valid instant game ticket, all of the following requirements must be met:

- (a) Exactly one Play Number must appear under each of the six rub-off spots in the right-hand portion of the ticket.
- (b) Each of the six Play Numbers must have a Caption underneath, and each Play Number must agree with its Caption.
- (c) Each of the six Play Numbers must be present in its entirety and be fully legible.

- (d) Each of the six Captions must be present in its entirety and be fully legible.
- (e) Each of the six Play Numbers and their Captions must be printed in gray-black ink.

(f) The ticket shall be intact.

- (g) The Pack-Ticket Number, Validation Number and Agent Validation Code must be present in their entirety and be legible. The Validation Number shall correspond, using the lottery's codes, to the Play Numbers on the ticket.
- (h) The ticket must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.

(i) The ticket must not be counterfeit in whole or in

part.

- (j) The Validation Number and Agent Validation Code shall be printed in gray-black ink, and the Pack-Ticket Number shall be printed in red ink.
- (k) The ticket must have been issued by the director in an authorized manner.
- (1) The ticket must not be stolen nor appear on any list of omitted tickets on file with the director.
- (m) The Play Numbers, Captions, Validation Number, Agent Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner.
- (n) The ticket must be complete, not miscut, have exactly one Play Number and exactly one Caption under each of the six rub-off spots, exactly one Pack-Ticket Number, exactly one Agent Validation Code, and exactly one Validation Number.
- (o) The Validation Number of an apparent winning ticket shall appear on the lottery's Official List of Validation Numbers of winning tickets; and a ticket with that Validation Number shall not have been previously paid.

(p) The ticket must not be blank, or partially blank, misregistered, defective, or printed or produced in error.

- (q) Each of the Play Numbers must be exactly one of those described in WAC 315-11-050(1) above and each of the Captions to the six Play Numbers must be exactly one of those described in WAC 315-11-050(4) above.
- (r) Each of the six Play Numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file with the director, each of the six Captions must be printed in the 5 x 9 font and must correspond precisely to the artwork on file with the director, the Pack-Ticket Number must correspond precisely to the artwork on file with the director, and the Validation Number must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.
- (s) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.
- (t) No portion of the "DO NOT REMOVE" spot is exposed.
- (u) The ticket must pass all additional confidential validation requirements of the director.
- (2) Any ticket failing any of the validation requirements in WAC 315-11-052(1) is void and ineligible for any prize.
- (3) The director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets

of equivalent sales price from any other current lottery game). In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current lottery game). However, (a) if the only validation check that a ticket fails is WAC 315-11-052(1)(t), or (b) if the ticket is partially mutilated, or (c) if the ticket is not intact, and the ticket can still be validated by the other validation requirements, the director may, in his or her discretion, pay the prize for that ticket.

WSR 83-05-032 ADOPTED RULES DEPARTMENT OF LICENSING (Examining Committee of Physical Therapists) [Order PL 426—Filed February 10, 1983]

Be it resolved by the Washington State Examining Committee of Physical Therapists, acting at Seattle, Washington, that it does adopt the annexed rules relating to application examinations and licensure of physical therapists.

This action is taken pursuant to Notice No. WSR 83-01-116 filed with the code reviser on December 22, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.74.020 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 3, 1983.

By Chester C. Jolly

AMENDATORY SECTION (Amending Order 70/4207, filed 8/7/70)

WAC 308-42-030 EXAMINING COMMITTEE—CHAIRMAN TO BE DESIGNATED. (1) The member of the examining committee with the least remaining time in office shall be designated chairman of the examining committee.

(2) The first such designation shall be made on January 1, 1971, and thereafter on January 1 of each succeeding year.

ceeding year.

(((3) It shall be the duty of the chairman to submit an annual report of the activities of the committee to the Administrator of Professional Licensing.))

AMENDATORY SECTION (Amending Order PL 802, filed 4/24/79)

WAC 308-42-040 EXAMINATION—WHEN HELD. (1) Examinations of applicants for registration is physical therapists shall be held twice a year at the

time and location prescribed by the director with the advice and consent of the examining committee.

(2) If for religious or other reasons acceptable to the examining committee, an applicant is unable to be examined on the appointed day, another examination may be given within a reasonable time ((thereafter)) on a day approved by the examining committee.

(3) Physical therapy students in their last year may apply for licensure by examination prior to graduation

under the following circumstances:

(a) Receipt of a letter from an official, of their physical therapy school, verifying the probability of graduation prior to the date of the examination for which they are applying.

(b) Results of the examination and the probational certificate will be withheld until a diploma, official transcript or certification letter from the registrar's office certifying completion of all requirements for degree or certificate in physical therapy is received by the department.

AMENDATORY SECTION (Amending Order PL 191, filed 5/29/75)

WAC 308-42-045 EXAMINATION. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as prepared by the Professional Examining Service of New York. A passing socre is 70% of the raw score with not less than 60% raw score on ((all)) each of the three examination parts.

(2) A passing score, as defined above, obtained in a PES exam within three years prior to the date of registration application and verified by the Interstate Reporting Service of the Professional Examining Service of New York, will satisfy the written examination requirement.

(3) If a candidate fails to receive a passing score on the examination, he or she must retake the entire examination.

(4) Where necessary, applicant's score will be rounded off to the nearest whole number.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order PL 191, filed 5/29/75)

MAC 308-42-060 RECIPROCITY—RECOM-MENDATION TO DIRECTOR. (1) Before recommending to the director that reciprocity be extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the examining committee shall determine the qualifications of the applicant as prescribed by law based in part on the Professional Examining Service examination((7)) as follows:

(a) For applicants examined after October 14, 1981, ((A)) a score of 70% of the raw score with not less than

60% raw score on each of the ((all)) three examination parts, or

- (b) For applicants examined prior to October 14, 1981, a score of 1.5 standard deviation below the national mean; verified by the Interstate Reporting Service of the Professional Examining Service of New York, shall be considered passing for the purposes of reciprocity outlined in RCW 18.74.060.
- (2) If the decision to extend reciprocity is based on an examination other than the Professional Examining Service, the examining committee shall determine if such examination ((was)) is equivalent to that required by the laws of this state.
- (3) The committee shall not recommend to the director that a person be registered as a physical therapist under the reciprocity provisions of RCW 18.74.060, unless said applicant shall have taken and passed the Professional Examining Service examination, or other examination equivalent to that required by the laws of this state.
- (4) All applicants who have been denied reciprocity must apply for registration in Washington and receive a probationary certificate or become licensed before engaging in the practice of physical therapy.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

 $\sqrt{\text{WAC } 308-42-070}$ REINSTATEMENT. physical therapist who fails to renew his or her license for a period of three years shall not be entitled to automatic renewal of license under RCW 18.74.070. In order for such a physical therapist to obtain a license to practice physical therapy he or she must file an original application along with the required fees. The examining committee may, in its sole discretion, permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state and is competent to engage in the practice of physical therapy.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

N WAC 308-42-025 APPLICATION FOR REGIS-TRATION—PROCESS.

WSR 83-05-033 ADOPTED RULES DEPARTMENT OF LICENSING

[Order PL 427—Filed February 10, 1983]

I, Joan Baird, assistant director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 308-116-295.

This action is taken pursuant to Notice No. WSR 83-02-062 filed with the code reviser on January 5, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.78.150 and is intended to administratively implement that

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 8, 1983.

By John Gonsalez Director

AMENDATORY SECTION (Amending Order PL 290, filed 9/21/78)

✓ WAC 308-116-295 LICENSURE QUALIFICA-TIONS AND PROCEDURES. (1) Licensure by examination.

- (a) The applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 308-116-040, or its equivalent as determined by the board.
 - (b) Equivalency requirement.
- (i) An applicant who establishes with the board evidence of successful completion of nursing courses at an accredited school of professional nursing, which courses include personal and vocational relationships, theory and clinical practice in medications, and theory and clinical practice in medical, surgical, pediatric, and obstetric nursing, and which courses are equivalent to those same courses at a practical nursing program approved by the board, shall be deemed to have completed the equivalent of a board-approved practical nursing program, and shall be admitted to the examination if he or she meets all other application requirements.
- (c) All applicants shall file a complete application with fee and supporting documents as required by the
- (i) Completed application, with fee, shall be in the division of professional licensing sixty days prior to the scheduled examination date.
- (ii) All fees submitted to and processed by the division of professional licensing will not be subject to refund.
- (d) All applicants shall write the current state board test pool examination for practical nurses.
- (e) The minimum passing score on the licensing examination is set forth by the Washington state board of practical nurse examiners. ((Subsequent to October 1; 1973)) After October 1, 1982, the minimum passing score is ((400)) 350.
- (f) Results of the licensing examination are recorded by standard scores only to the candidates and his/her school of nursing.
 - (2) Failures.
- (a) Candidates requesting to rewrite the licensing examination shall submit a written request and the required fee at least sixty days prior to the scheduled examination date.
- (b) Candidates failing the licensing examination on the third rewrite (fourth writing) shall be required to

meet recommendations of the board to qualify to reapply for the licensing examination.

- (c) Candidates who wish to rewrite the licensing examination shall reapply within twelve months of last writing. Candidates who fail to reapply within twelve months of last scheduled writing shall submit a new application and required fee or shall have application terminated.
- (3) Licensure by interstate endorsement. To qualify for licensure in Washington by interstate endorsement an applicant shall:
- (a) Be a graduate of an approved practical nursing program in another state or territory of the United States, or its equivalent as determined by the board. Fulfill the basic minimum requirements currently set forth in WAC 308-116-040.
- (b) Have successfully passed the state board test pool examination for practical nurses in another state or territory of the United States. The applicant who wrote the same form of the state board test pool examination for practical nurses in another jurisdiction as that used for Washington practical nurse licensure prior to October 1, 1973, shall be required to have attained a minimum score of 350. ((Subsequent to October 1, 1973, the minimum passing score is 400.)) The applicant who wrote the same form of the state board test pool examination for practical nurses in another jurisdiction as that used for Washington practical nurses licensure between October 1, 1973 and October 1, 1982 shall be required to have attained a minimum score of 400. After October 1, 1982 the minimum passing score is 350.
- (c) Hold a valid current license in another state or territory of the United States.
- (4) Licensure of graduates of foreign schools of nursing. Nurses who received their basic nursing education outside the United States and its territories shall:
- (a) Be a graduate of an accredited school of professional or practical nursing. Each applicant shall fulfill all the basic minimum requirements that are equivalent to those required in an approved practical nursing program (currently established in WAC 308-116-040).
- (i) Submit a completed application with fee to be on file before evaluation of records is conducted by the board.
- (ii) Request the licensing authority in country of original licensure to submit an official verification of license.
- (iii) Request their school of nursing to submit an official transcript to determine eligibility. Each transcript must be in English or accompanied by an official English translation notarized as a true and correct copy.
- (b) Write and successfully pass the current state board test pool examination for practical nurses unless successfully passed the state board test pool examination for practical nurses in another jurisdiction or territory of the United States with the passing score required in Washington.
 - (c) Failures.
- (i) Candidates requesting to rewrite the licensing examination shall submit a written request and the required fee at least sixty days prior to the scheduled examination date.

- (ii) Candidates failing the licensing examination on the third rewrite (fourth writing) shall be required to meet recommendations of the board to qualify to reapply for the licensing examination.
- (iii) Candidates who wish to rewrite the licensing examination shall reapply within twelve months of last writing. Candidates who fail to reapply or appear within twelve months of last scheduled writing shall submit a new application and required fee or shall have application terminated.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 83-05-034 ADOPTED RULES THE EVERGREEN STATE COLLEGE

[Order 83-1, Resolution No. 83-1-Filed February 10, 1983]

Be it resolved by the board of trustees of The Evergreen State College, acting at Olympia, Washington, that it does adopt the annexed rules relating to facilities usage policy, WAC 174-136-015 through 174-136-019.

This action is taken pursuant to Notice No. WSR 82-24-018 filed with the code reviser on November 22, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 13, 1983.

By Daniel J. Evans President

AMENDATORY SECTION (Amending Order 78-4, Motion 78-54, filed 12/15/78)

WAC 174–136–015 PROCEDURES FOR SECURING PERMISSION AND RESERVATIONS.

- (1) No permission is necessary for a speaker or performer invited by a faculty member or staff member to participate in the regular instructional, research, public service or support programs of the college if it is not necessary to make special arrangements for facilities and if the appearance will not disrupt the college's normal operations or interfere with rights of others. (If the event is to be open to the public, the procedures outlined in the following paragraphs must be followed.)
- (2) Permission to schedule ((an event or appearance other than as delineated in subsection (1) of this section must be secured via a Production Clearance Report from the (a) Director of Recreation and Campus Activities

for events open to the public and events requiring any special arrangements; (b) the Business Manager for commercial activities; (c) from the Conference Coordinator for conferences and conventions)) and reserve space for an event or appearance other than as delineated in subsection (1) of this section must be secured by the following procedures:

(a) For events open to the public and events requiring special arrangements complete a Tentative Production Planning Form (Exhibit I) and Production Clearance Report (Exhibit II) available at the Office of Campus

Activities.

(b) For commercial activities in the College Activities Building mall area, contact the Campus Activities Office (Rm 305) and complete the Application for Commercial Use of the College Activities Building (Exhibit III). For commercial activities other than College Activities Building contact the College Controller and complete the forms listed in subsection (2) of this section.

(c) For conferences and conventions for noncollege events, contact the Conferences Coordinator and complete the Conference Reservation form (Exhibit IV),

available from the College Conference Office.

(d) For student, faculty, and staff related events not requiring any special arrangements, contact the campus Scheduling Office located in the Office of Facilities and complete a Scheduling Confirmation form (Exhibit V).

AMENDATORY SECTION (Amending Order 78-4, Motion 78-54, filed 12/15/78)

WAC 174-136-016 SCHEDULING AND PRO-CEDURES. (1) Preference in scheduling space for free use will be given to the college's regular instructional, research, public service, support or college activity programs.

(2) The Director of Facilities or his/her designee shall decide whether the proposed use of the space relates to a college function. Sponsors of all other events or appearances will be charged for the use of college facilities in accordance with the schedule of charges established and published by the ((Business Manager)) controller.

(3) College activities that do not have a budgetary unit sponsoring the function must register with the Director of Recreation and Campus Activities to be recog-

nized as a college activity.

- (4) State agencies, state schools and post secondary institutions in the state of Washington will be permitted to use unscheduled college space free of charge on a single use basis. If the space is to be used for periods longer than ((a week)) two days at a time, these organizations should be charged by the Conference Coordinator.
- (5) Special services (e.g., extra janitorial, security, audio visual equipment, coffee) related to special events or appearances will be charged to the user.

AMENDATORY SECTION (Amending Order 78-4, Motion 78-54, filed 12/15/78)

WAC 174-136-018 AUDIO AND VISUAL RE-CORDING. The sponsor of any event or appearance shall be responsible for obtaining written clearances from the speaker or performer if any audio or visual recording of the presentation is to take place; such clearance shall be deposited with and maintained by the College's Grants and Contracts Accountant. The form for this purpose is attached as Exhibit VI.

AMENDATORY SECTION (Amending Order 78-4, Motion 78-54, filed 12/15/78)

WAC 174-136-019 ACTIVITIES FOR COM-MERCIAL PURPOSES. (1) The term "commercial purposes" means the exchange, sale, or purchase of goods, productions, or property of any kind or personal services or entertainment, and/or solicitation, advertising, or other promotion of such exchange, sale, or purchase, when as a result of such activities, profit accrues to one or more individuals or companies, whether or not such individuals or companies are constituted entirely of members of the Evergreen student body, faculty and/or staff. The term "for profit" shall mean monetary gain as an intent of the activity whether or not the activity is in fact profitable.

(2) Charges for use of facilities for commercial purposes shall be made at the scheduled rates except in the

following cases:

(a) Commercial activities to support instructional programs (e.g., bake sales, pottery and ceramic sales).

(b) Commercial activities by recognized campus ac-

tivities groups.

- (c) Commercial activities by the regular campus food service.
 - (d) Commercial activities by the College Bookstore.
- (e) Commercial activities by publishers and manufacturers who bring to the attention of faculty, staff and students books, equipment and facilities which aid and abet the instructional, research, public service or operational programs of the college.
- (3) Application for the use of campus facilities for commercial purposes is made with the ((Business Manager)) controller. In addition to the satisfaction of any requirements imposed for advanced deposit, bond, and/or insurance, and the indemnification of the college against loss, damage, and/or claims, the application shall include:

(a) Statement of goals and objectives.

- (b) Justification statement demonstrating the necessity for the venture on campus and an assessment of needs.
- (c) An inventory of legal requirements (including tax obligations) to be met and evidence of the individual's or organization's ability to comply with them.
- (d) A pro forma balance sheet and profit and loss statement with supporting detail for revenue and expense. Projections should cover the next two fiscal years.

WSR 83-05-035
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
(Forest Fire Advisory Board)
[Memorandum—February 10, 1983]

This is to advise that a meeting of the Forest Fire Advisory Board is scheduled at 10:00 a.m., on Tuesday, March 29, 1983, in the Forest Sciences Laboratory conference room, 3625 93rd Avenue S.W., Tumwater, Washington.

WSR 83-05-036 NOTICE OF PUBLIC MEETINGS UNIVERSITY OF WASHINGTON

[Memorandum—February 11, 1983]

WHEREAS, the bylaws of the board of regents call for regular monthly meetings, and

WHEREAS, the schedule of meetings is to be estab-

lished yearly by resolution of this board.

NOW, THEREFORE, BE IT RESOLVED that the regular meetings of the board of regents be held on the following dates in 1983, subject to change, providing that due notice is given by the secretary of the board in accordance with the bylaws of the board of regents:

February 18
March 18
April (to be announced)
May 20
June 10
July 15
August 19
Sept. 16
Oct. 14
November 18
December 9

WSR 83-05-037 PROPOSED RULES COMMUNITY COLLEGE DISTRICT V

[Filed February 14, 1983]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State Community College District V intends to adopt, amend, or repeal rules concerning policy regarding admission and registration regulations and procedures, chapter 132E-161 WAC.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing. The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Dr. Paul D. Walker, President Everett Community College 801 Wetmore Everett, WA 98201 (206) 259-7151 Ext. 202

that the institution will at 2:00 p.m., Wednesday, March 23, 1983, in the Administrative Conference Room, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 14, 1983.

The authority under which these rules are proposed is chapter 28B.50 RCW and RCW 28B.19.020.

The specific statute these rules are intended to implement is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before March 23, 1983.

Dated: February 10, 1983 By: Paul D. Walker President

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 132E-161 WAC, Policy Regarding Admission and Registration Regulations and Procedures.

Statutory Authority: Chapter 28B.50 RCW and RCW 28B.19.020.

Summary of the Rule(s): This notice proposes a new section in chapter 132E-161 WAC, Policy Regarding Admission and Registration Regulations and Procedures. This policy is a substitution for chapter 132E-160 WAC, Admission and Registration Procedures.

Description of the Purpose of the Rule(s): The board of trustees of Washington Community College District V proposes this new section. The rule will appear in the college catalog.

Reasons Supporting the Proposed Rule(s): This policy is a substitution for chapter 132E-160 WAC, Admission and Registration Procedures.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Dr. Paul D. Walker, President, Everett Community College, 801 Wetmore, Everett, WA 98201, (206) 259-7151 Ext. 202.

Name of Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Community College District V.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

NEW SECTION

WAC 132E-161-010 EVERETT COMMUNITY COLLEGE POLICY REGARDING ADMISSION AND REGISTRATION REGULATIONS AND PROCEDURES. Admission and registration regulations and procedures for students wishing to attend Everett Community College are published in the college catalog. Copies of the catalog are available in the registration office and bookstore. Questions and inquiries about regulations and procedures should be directed to the appropriate administrator.

WSR 83-05-038 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 14, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning access to public records, chapter 180-10 WAC:

that the agency will at 9:00 a.m., Thursday, March 24, 1983, in the State Board of Education Board Room, Old Capitol Building, Legion and Washington Streets, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 25, 1983.

The authority under which these rules are proposed is RCW 42.17.250.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 24, 1983.

Dated: February 14, 1983

By: Monica Schmidt

Executive Director

STATEMENT OF PURPOSE

Rule: Chapter 180-10 WAC, Access to Public Records.

Rule Section(s): WAC 180-10-003 Description of Organization.

Statutory Authority: RCW 42.17.250.

Purpose of the Rule(s): Update rule to reflect changes in statute.

Summary of the New Rule(s) and/or Amendments: Reflects changes in statute respecting appointment of board's secretary, and the two board positions held by the Superintendent of Public Instruction and the private schools representative.

Reasons Which Support the Proposed Action(s): Update rule to reflect changes in statute.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, Room 1500, 753–2298; Implementation and Enforcement: Monica Schmidt, Room 1700, 753–6715.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter

Pertaining to the Rule(s): [No information supplied by agency]

AMENDATORY SECTION (Amending Order 6-80, filed 5/29/80)

WAC 180-10-003 DESCRIPTION OF ORGANIZATION. The state board of education is created by law in chapter 28A.04 RCW. The board consists of two voting members from each congressional district in the state who are elected by the members of school district boards of directors and ((serving)) serve staggered six-year terms((:)); the superintendent of public instruction ((is the)), who serves as an ex officio ((president)) member and chief executive officer of the board and votes only to break ties ((where action is essential)); and, a nonvoting member elected at large by members of the boards of directors of approved private schools who serves a six-year term. A secretary (executive director) to the state board is appointed by the ((superintendent of public instruction)) board and maintains the record of board proceedings. General powers of the board affect teacher training and certification programs, school accreditation, school building assistance, school district organization and classification, general government of the schools, approval of basic education programs, approval of private schools, and other matters ((relating to safety and)) which include the discipline of pupils and instructional program improvement.

WSR 83-05-039 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed February 15, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning chapter 16-657 WAC, adding a new section and repealing WAC 16-657-020;

that the agency will at 2:00 p.m., Wednesday, April 6, 1983, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 11, 1983.

The authority under which these rules are proposed is chapter 19.94 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 6, 1983.

Dated: February 15, 1983 By: James E. Wommack Assistant Director

STATEMENT OF PURPOSE

Title: Retail Pricing of Motor and Heating Fuel.

Description of Purpose: To provide for the posting of the price per gallon when motor fuel is sold by the litre.

Statutory Authority: Chapter 19.94 RCW.

Summary of Rule: The rule sets forth the manner in which prices of motor vehicle fuel are to be posted.

Agency Personnel to Contact: Gunnar Magnuson, Chief, Weights and Measures Section, Dairy and Food Division, Department of Agriculture, 406 General Administration Building, Olympia, WA 98504, Mailstop GG-11, Phone: 753-5042.

The rules are proposed by the City Sealers of Everett, Seattle, and Spokane, and the Weights and Measures Section of the Department of Agriculture.

Agency Comments: None.

These rules are not necessary as a result of federal law, or federal or state court action.

Small Business Economic Impact: None.

AMENDATORY SECTION (Amending Order 1661, filed 11/19/79)

WAC 16-657-001 RETAIL SALES OF MOTOR FUELS AND HOME HEATING PRODUCTS. (((1))) All retail fuel metering and computing devices shall:

(1) Display the price per gallon or price per litre((-)):

PROVIDED, That if motor fuel is offered for sale by the litre, the price per litre must be clearly displayed on the dispenser directly adjacent to the corresponding price per gallon, with the information appearing in contrasting letters of at least two inches in height((:));

(2) ((All retail fuel metering and computing devices shall)) Indicate the amount of fuel delivered during a single retail transaction((-));

(3) ((All retail fuel metering and computing devices shall)) Register the selling price per unit((:));

(4) ((All retail fuel metering and computing devices shall)) Register

the total selling price for a single retail transaction((:));

(5) Compute the price per gallon or litre as set forth in National Bureau of Standards Handbook 44.

NEW SECTION

WAC 16-657-025 POSTING OF MOTOR FUEL PRICES-CASH AND CREDIT SALES. The following rules apply to the posting of prices of retail sales of motor fuels. As used herein, motor fuel means any fuel used in motor vehicles, including but not limited to gasoline, diesel, propane and alcohol-gasoline blends. As used herein, motor vehicles shall include all wheeled motorized vehicles, and all boats and airplanes.

(1) The posted or advertised price of motor fuel at retail outlets must be available to all consumers. Any condition or qualification required to obtain the posted price must be clearly displayed in letters of contrasting color at least one-half the size of the posted price and immediately adjacent thereto.

(2) A cash price may be posted or advertised if the posting of the price clearly shows it to be limited to cash purchases. The information shall be in letters at least one-half the size of the posted price and immediately adjacent thereto.

(3) Cash and credit sales.

(a) If a retailer elects to establish separate islands for cash and credit sales, the islands shall be clearly marked as such in letters at least six inches in height and of proportional width.

(b) If a retailer elects to permit cash and credit card sales from the same dispenser, the credit price will be displayed on the meter face. Immediately adjacent to or on the pump meter a chart shall be posted showing the cash discount price in one cent increments. The lettering on the chart shall be of such size and contrast lettering as to be easily read by the consumer.

(4) Posted prices of motor fuels at retail outlets shall include all federal, state and local taxes.

(5) The director of agriculture may require retailers to post additional signs or information as necessary to assure that the consumer is aware of information necessary to make an informed purchase.

(6) Nothing herein shall be construed to prevent the use of a dispenser which is designed, manufactured, or adapted to permit cash and credit card sales from a single dispenser by manual or automatic means and which computes prices per gallon or litre pursuant to standards established in National Bureau of Standards Handbook 44.

REPEALER

The following section of the Washington Administrative Code is

WAC 16-657-020 INTERIM RETAIL SALES OF MOTOR FUELS.

WSR 83-05-040 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed February 15, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Payment-Hospital care, amending WAC 388-87-070.

It is the intention of the secretary to adopt these rules on an emergency basis on February 15, 1983.

Correspondence concerning this notice and proposed rules attached should be addressed to:

> David A. Hogan, Director Division of Administration Department of Social and Health Services Mailstop OB 33-C Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by March 9, 1983. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, March 23, 1983, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 30, 1983.

The authority under which these rules are proposed is RCW 74.08.080.

The specific statute these rules are intended to implement is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 23, 1983.

> Dated: February 14, 1983 By: David A. Hogan, Director Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-87-070.

Purpose of the Rule or Rule Change: To reduce reimbursement to hospitals in the medically indigent and general assistance programs.

The Reason These Rules are Necessary: To implement Executive Order 82-25.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: This revision removes the wage component limitation plan (WCLP) from consideration in determining the division of medical assistance hospital reimbursement rates and implements an alternative methodology. The WCLP component of the rate determination methodology was enjoined from further implementation by the United States District Court for the Western District of Washington on December 14, 1982. As the result of this injunction, the division lost \$2.8 million that would have been saved by this plan between December 15, 1982, and June 30, 1983. The division has developed an alternative method of determining hospital reimbursement rates to achieve the targeted savings. However, this alternative will apply only to payments under the medically indigent (MI) and general assistance (GA-U) programs. According to this methodology, hospitals are grouped according to their base of full-charge patients. A different reduction in the payment rate for medically indigent and general assistance services is calculated for each group of hospitals. Hospitals with the smallest base of fullcharge paying patients are affected the least. With each succeeding group increase in the base of full-charge paying patients, the reduction in total revenues in increased.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, Phone: 3-0528, MS: LK-11.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

Small Business Economic Impact Statement: Not required, the regulation provides funds to these facilities choosing to provide services to persons supported by the state. Compliance is not required for license or authority to do business in the state.

AMENDATORY SECTION (Amending Order 1937, filed 1/12/83)

WAC 388-87-070 PAYMENT-HOSPITAL CARE. The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

- (1) Recipients must have been approved as financially and medically eligible for hospitalization. They are:

 - (a) Categorically needy recipients;(b) Limited casualty program recipients;

 - (i) Medically needy recipients;(ii) Medically indigent recipients;
 - (c) Recipients of continuing general assistance
- (2) Except for nonallowable revenue codes ((and the salary and wage component determination described in this subsection)), reimbursable cost will be determined by the application of the ratio of hospital commission approved operating expense and total rate setting revenue. ((Changes in the salary and wage component will be determined by the secretary, after consideration of legislative policy with regard to public employees and after consideration of the amount of increases being financed by the department for other providers of medical assistance services. Recipients of medicaid funded hospital services must have been approved as financially and medically eligible for hospitalization. They are:
 - (1) Categorically needy recipients,
 - (2) Limited casualty program recipients,
 - (3) Recipients of continuing general assistance.))
- (3) However, for the period February 15, 1983, through June 30, 1983, reductions in the payment rate will be applied to services provided to persons eligible for the Medically Indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
$\frac{1}{2}$	40.33 or less 40.34 - 45.98 45.99 - 57.28	$\frac{4.4}{17.9}$ $\frac{18.7}{18.7}$	0.30 0.36 0.42

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
<u>4</u>	57.29 - 68.59	28.0	0.48
3	68.60 or more	20.1	0.54

WSR 83-05-041 **EMERGENCY RULES** DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 1946—Filed February 15, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Payment—Hospital care, amending WAC 388-87-070.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement Executive Order 82-25.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rulemaking authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 15, 1983. By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1937, filed 1/12/83)

PAYMENT—HOSPITAL WAC 388-87-070 CARE. The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

- (1) Recipients must have been approved as financially and medically eligible for hospitalization. They are:
 - (a) Categorically needy recipients;
 - (b) Limited casualty program recipients;
 - (i) Medically needy recipients;
 - (ii) Medically indigent recipients;
 - (c) Recipients of continuing general assistance.
- (2) Except for nonallowable revenue codes ((and the salary and wage component determination described in this subsection)), reimbursable cost will be determined by the application of the ratio of hospital commission approved operating expense and total rate setting revenue. ((Changes in the salary and wage component will be determined by the secretary, after consideration of legislative policy with regard to public employees and

after consideration of the amount of increases being financed by the department for other providers of medical assistance services. Recipients of medicaid funded hospital services must have been approved as financially and medically eligible for hospitalization. They are:

(1) Categorically needy recipients,

(2) Limited casualty program recipients,

(3) Recipients of continuing general assistance.))

(3) However, for the period February 15, 1983, through June 30, 1983, reductions in the payment rate will be applied to services provided to persons eligible for the Medically Indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
- Paragraph	40.33 or less 40.34 - 45.98 43.99 - 57.28 57.29 - 68.39 68.60 or more	4.4 17.9 18.7 28.0 20.1	0.30 0.36 0.42 0.48

WSR 83-05-042 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed February 15, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning new sections WAC 388-15-600 through 388-15-630 and 388-83-200, community option program entry system (COPES).

It is the intention of the secretary to adopt these rules on an emergency basis on February 15, 1983.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director Division of Administration Department of Social and Health Services Mailstop OB 33-C Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by March 9, 1983. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, March 23, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 30, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 43.20A.550.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 23, 1983.

Dated: February 15, 1983

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Re: New sections WAC 388-15-600 through 388-15-630 and 388-83-200.

The Purpose of These Rules: To provide for the implementation of the community options program entry system (COPES).

The Reasons These Rules are Necessary: To establish COPES as a department program and to define the criteria for eligibility, as well as describe the services provided.

Statutory Authority: RCW 74.08.090.

Summary of the Rules: WAC 388-15-600 establishes the purpose of COPES and cites the federal law under which COPES is authorized as a waivered Medicaid program. WAC 388-15-610 defines how eligibility for the program is determined. WAC 388-15-620 describes which services are authorized for COPES eligible recipients. WAC 388-15-630 sets payment rates for COPES services and also defines program restrictions.

Persons Responsible for the Drafting, Implementation and Enforcement of These Rules: Phil Wozniak/Jim Sparks, Program Managers, Bureau of Aging and Adult Services/Division of Medical Assistance, OB 43G/LK-11, Telephone: 3-1244/3-7313.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

NEW SECTION

WAC 388-15-600 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPES)—PURPOSE—LEGAL BASIS. (1) The purpose of the Community Options Program Entry System (COPES) is to offer specifically waivered Medicaid services to persons identified by the department as needing nursing home care but who prefer to live at home or in community-based care.

(2) COPES is a Medicaid program authorized under subsection 1915(c) of the Social Security Act, as approved by the secretary, de-

partment of health and human services.

(3) RCW 74.08.043 and 74.08.045 authorize the department to purchase personal and special care. RCW 74.08.390 permits the department to conduct demonstration programs and waive specific statutory requirements.

NEW SECTION

WAC 388-15-610 COPES—ELIGIBLE PERSONS. (1) Categorically related Medicaid recipients (i.e., aged, blind, and disabled persons) eighteen years of age and over are eligible for COPES services when they:

(a) Have gross monthly income which is less than three hundred percent of supplemental security income (SSI) benefit level; and

(b) Are assessed by the department as eligible for skilled nursing care, intermediate nursing care or intermediate nursing care for the mentally retarded; and

- (c) Choose to live in their own home or in congregate care facilities or in licensed adult family homes; and
- (d) Have a plan of care for COPES services prepared by the department and the total cost for this plan of care, including the one-person medically needy income level, is less than eighty percent of the average state-wide nursing home rate.
- (2) Participation in COPES is the choice of the otherwise eligible recipient.

NEW SECTION

WAC 388-15-620 COPES—SERVICES. (1) The following services may be authorized to COPES eligible recipients, based on department assessment of need and plan of care:

- (a) Congregate care as defined in WAC 388-15-560 through 388-15-568. In addition, congregate care facilities may provide medication administration to COPES eligible clients, when this service is required by the department and performed by a registered nurse under the general direction of a licensed physician or dentist. (Refer to RCW 18-88.285 and WAC 308-120-100 through 308-120-522.)
- (b) Adult family care as defined in WAC 388-15-551 through 388-15-555.
 - (c) Adult day health.

(d) Home health services as defined in WAC 388-86-045.

- (e) Personal care services which include meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines. Other forms of household assistance such as house cleaning, telephoning, laundry, and writing are allowed when the recipient is unable to perform these tasks independently. Personal care also includes protective supervision when required due to the recipient's diminished mental capacity or judgment. Sterile procedures and administration of medications are not authorized personal care tasks, unless the provider is a licensed health practitioner or a member of the recipient's immediate family.
 - (f) Case management.
- (2) Personal care services may not be authorized to recipients residing in congregate care facilities or adult family homes, since personal care is provided by these facilities.
- (3) Adult day health and home health services are provided only when the recipient requires congregate care, adult family home services or personal care. The average cost for adult day health and home health services must be included in the plan of care.

NEW SECTION

WAC 388-15-630 COPES—PAYMENT—PROCEDURES. (1) All nonexempt income of a person receiving COPES services shall be allocated according to procedures in WAC 388-83-200.

(2) The department shall pay to the providers of congregate care, home health services, adult day health care, and adult family home care a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.

- (3) The department shall pay at least federal minimum hourly wage rates to individual and independent providers of personal care, but shall not pay more than three dollars and seventy-five cents per hour. When the provider assists the recipient full time, a standby hourly wage shall be paid when the provider must be with the recipient but is not directly assisting the client. This standby wage shall not exceed twenty-five cents per hour.
- (4) The department shall pay to private and public agencies which provide personal care the same hourly unit rate reimbursement established by the department for chore services personal care.
- (5) Payments for COPES services plus the recipient's income allocated for maintenance in the home shall not exceed eighty percent of the average state—wide monthly rate for nursing home care.
- (6) Income allocated for maintenance needs in the home cannot exceed the medically needy income levels.

NEW SECTION

WAC 388-83-200 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPES) PROJECT. (See WAC 388-15-600). (1) Eligible persons for the COPES project are individuals age eighteen and over who:

(a) Meet the Title XIX categorically needy eligibility requirements for SSI related institutionalized individuals. See chapters 388-83 WAC and 388-92 WAC. Income and resources of parents or spouses

- will not be considered available when determining eligibility or participation for a COPES applicant or recipient;
- (b) Are assessed by the department to require the level of care provided in a skilled nursing facility, intermediate care facility or an intermediate care facility for the mentally retarded;
- (c) Have a plan of care approved by the department and the total cost for this plan of care including the MNIL for one person, is less than eight hundred eighty—one dollars per month (eighty percent of the department's state—wide average nursing home rate); and
- (d) Are able and choose to live at home with community support services, or in a congregate care facility, or in a licensed adult family home.
- (2) Total income, including amounts disregarded in determining eligibility, of a COPES participant living at home shall be allocated as follows:
- (a) An amount equal to the medically needy income level for one person shall be protected for the maintenance needs of the recipient; or
- (b) For an individual with a spouse or family at home, an amount shall be protected equal to the medically needy income level adjusted for the appropriate family size;
- (c) Amounts for incurred medical expenses not subject to third party payment shall be protected, including:
- (i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and
- (ii) Necessary medical care recognized under state law but not covered under Medicaid;
- (d) Income remaining after deductions in subsections (2)(a), (2)(b) and (2)(c) of this section will be the participation amount for COPES services. (See WAC 388-15-620).
- (3) Income of a COPES participant living in an adult family home or congregate care facility shall be allocated as for other eligible categorically needy persons in similar living situations.

WSR 83-05-043 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

(Public Assistance)
[Order 1948—Filed February 15, 1983]

- I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to new sections WAC 388-15-600 through 388-15-630 and 388-83-200, community option program entry system (COPES).
- I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules will result in substantially improved services to clients.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule—making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 15, 1983.

By David A. Hogan, Director

Division of Administration and Personnel

NEW SECTION

WAC 388-15-600 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPES)—PUR-POSE—LEGAL BASIS. (1) The purpose of the Community Options Program Entry System (COPES) is to offer specifically waivered Medicaid services to persons identified by the department as needing nursing home care but who prefer to live at home or in community-based care.

- (2) COPES is a Medicaid program authorized under subsection 1915(c) of the Social Security Act, as approved by the secretary, department of health and human services.
- (3) RCW 74.08.043 and 74.08.045 authorize the department to purchase personal and special care. RCW 74.08.390 permits the department to conduct demonstration programs and waive specific statutory requirements.

NEW SECTION

WAC 388-15-610 COPES—ELIGIBLE PER-SONS. (1) Categorically related Medicaid recipients (i.e., aged, blind, and disabled persons) eighteen years of age and over are eligible for COPES services when they:

- (a) Have gross monthly income which is less than three hundred percent of supplemental security income (SSI) benefit level; and
- (b) Are assessed by the department as eligible for skilled nursing care, intermediate nursing care or intermediate nursing care for the mentally retarded; and
- (c) Choose to live in their own home or in congregate care facilities or in licensed adult family homes, and
- (d) Have a plan of care for COPES services prepared by the department and the total cost for this plan of care, including the one-person medically needy income level, is less than eighty percent of the average statewide nursing home rate.
- (2) Participation in COPES is the choice of the otherwise eligible recipient.

NEW SECTION

WAC 388-15-620 COPES—SERVICES. (1) The following services may be authorized to COPES eligible recipients, based on department assessment of need and plan of care:

- (a) Congregate care as defined in WAC 388-15-560 through 388-15-568. In addition, congregate care facilities may provide medication administration to COPES eligible clients, when this service is required by the department and performed by a registered nurse under the general direction of a licensed physician or dentist. (Refer to RCW 18.88.285 and WAC 308-120-100 through 308-120-522.)
- (b) Adult family care as defined in WAC 388-15-551 through 388-15-555.
 - (c) Adult day health.
- (d) Home health services as defined in WAC 388-86-045.
- (e) Personal care services which include meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer,

bathing, toileting, and reminding to take medicines. Other forms of household assistance such as house cleaning, telephoning, laundry, and writing are allowed when the recipient is unable to perform these tasks independently. Personal care also includes protective supervision when required due to the recipient's diminished mental capacity or judgment. Sterile procedures and administration of medications are not authorized personal care tasks, unless the provider is a licensed health practitioner or a member of the recipient's immediate family.

- (f) Case management.
- (2) Personal care services may not be authorized to recipients residing in congregate care facilities or adult family homes, since personal care is provided by these facilities.
- (3) Adult day health and home health services are provided only when the recipient requires congregate care, adult family home services or personal care. The average cost for adult day health and home health services must be included in the plan of care.

NEW SECTION

WAC 388-15-630 COPES—PAYMENT—PROCEDURES. (1) All nonexempt income of a person receiving COPES services shall be allocated according to procedures in WAC 388-83-200.

- (2) The department shall pay to the providers of congregate care, home health services, adult day health care, and adult family home care a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.
- (3) The department shall pay at least federal minimum hourly wage rates to individual and independent providers of personal care, but shall not pay more than three dollars and seventy-five cents per hour. When the provider assists the recipient full time, a standby hourly wage shall be paid when the provider must be with the recipient but is not directly assisting the client. This standby wage shall not exceed twenty-five cents per hour.
- (4) The department shall pay to private and public agencies which provide personal care the same hourly unit rate reimbursement established by the department for chore services personal care.
- (5) Payments for COPES services plus the recipient's income allocated for maintenance in the home shall not exceed eighty percent of the average state—wide monthly rate for nursing home care.
- (6) Income allocated for maintenance needs in the home cannot exceed the medically needy income levels.

NEW SECTION

WAC 388-83-200 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPES) PROJECT. (See WAC 388-15-600). (1) Eligible persons for the COPES project are individuals age eighteen and over who:

(a) Meet the Title XIX categorically needy eligibility requirements for SSI related institutionalized individuals. See chapters 388-83 WAC and 388-92 WAC. Income and resources of parents or spouses will not be

considered available when determining eligibility or participation for a COPES applicant or recipient;

(b) Are assessed by the department to require the level of care provided in a skilled nursing facility, intermediate care facility or an intermediate care facility for the mentally retarded:

(c) Have a plan of care approved by the department and the total cost for this plan of care including the MNIL for one person, is less than eight hundred eighty-one dollars per month (eighty percent of the department's state-wide average nursing home rate); and

(d) Are able and choose to live at home with community support services, or in a congregate care facility, or

in a licensed adult family home.

(2) Total income, including amounts disregarded in determining eligibility, of a COPES participant living at home shall be allocated as follows:

(a) An amount equal to the medically needy income level for one person shall be protected for the mainte-

nance needs of the recipient; or

- (b) For an individual with a spouse or family at home, an amount shall be protected equal to the medically needy income level adjusted for the appropriate family size.
- (c) Amounts for incurred medical expenses not subject to third party payment shall be protected, including:

(i) Medicare and other health insurance premiums,

deductibles, or coinsurance charges; and

- (ii) Necessary medical care recognized under state law but not covered under Medicaid;
- (d) Income remaining after deductions in subsections (2)(a), (2)(b) and (2)(c) of this section will be the participation amount for COPES services. (See WAC 388-15-620).
- (3) Income of a COPES participant living in an adult family home or congregate care facility shall be allocated as for other eligible categorically needy persons in similar living situations.

WSR 83-05-044 NOTICE OF PUBLIC MEETINGS PLANNING AND COMMUNITY AFFAIRS AGENCY

(Division for Community Services Advisory Council)
[Memorandum—February 15, 1983]

The next meeting of the Division for Community Services Advisory Council will be held on Wednesday, March 9, 1983, from 9 a.m. to 4 p.m. The meeting will take place at the Planning and Community Affairs Agency, Ninth and Columbia Building, Fifth Floor Conference Room.

For additional information, contact Will Graham, Division for Community Services, Planning and Community Affairs Agency, Ninth and Columbia Building, GH-51, Olympia, Washington 98504, telephone (206) 753-3403.

WSR 83-05-045
EXECUTIVE ORDER
OFFICE OF
THE GOVERNOR
[EO 83-02]

AMENDING EO 82-17 BY ADDING ADDITIONAL MEMBERS TO THE ADVISORY COUNCIL ON HIGH-LEVEL RADIOACTIVE WASTE MANAGEMENT CREATED BY EO 82-17

Broader representation is needed on the Advisory Council on High-Level Radioactive Waste Management, established by Executive Order 82-17.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the power vested in me, do hereby amend EO 82-17 as follows:

Nine (or more if later determined to be appropriate), rather than five, private citizens shall serve on the Advisory Council on High-Level Radioactive Waste Management.

In addition, the chair of the Advisory Council on High-Level Radioactive Waste Management and the chair of the Technical Advisory Group shall serve as ex officio members of the High-Level Nuclear Waste Management Task Force.

All other terms and conditions of EO 82-17 shall remain in force.

IN WITNESS WHERE-OF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of February, A.D., nineteen hundred and eighty-three.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 83-05-046
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1947—Filed February 16, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to

Overpayment—Repayment, amending chapter 388-44 WAC

This action is taken pursuant to Notice No. WSR 83-02-016 filed with the code reviser on December 27, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule—making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED February 16, 1983.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

JWAC 388-44-010 OVERPAYMENT—UN-DERPAYMENT—DEFINED. (1) "Overpayment" means any grant or medical assistance ((paid to a person not eligible or grant or medical assistance paid to an eligible person in excess of)) payment received by or for an assistance unit for the payment month which exceeds the amount the ((person)) unit was eligible to receive.

(2) An overpayment includes:

- (a) Vendor payments for medical care provided during a period when the individual was not eligible for public assistance,
- (b) Payments made pending a fair hearing when the fair hearing decision subsequently finds against the client,
- (c) Payments made during the ten_day advance notice period when the client is ineligible for payment, and
- (d) Continued payments received by the recipient because the appropriate ten—day advance period extends into the next month.
- (3) Funeral expenses paid by the department are an overpayment to the extent the value of the estate is not used as a resource in determining eligibility. However, the department's funeral expense payment is not repayable when the estate consists only of assets (resources) which are ((exempt)) exempted in determining eligibility for public assistance for the surviving spouse and/or dependents.

(4) Policies regarding food stamps received in excess of the amount the household was entitled to receive are outlined in chapter 388-54 WAC.

- (5) "Underpayment" means a financial assistance payment received by or for an assistance unit for the payment month which is less than the amount for which the assistance unit was eligible, or failure by the state to issue a financial assistance payment for the payment month to an eligible assistance unit if such payment should have been issued.
- (6) Policies in this chapter delineating recoupment of overpayments by means of a deduction from the current grant are limited to public assistance money grant overpayments.

(7) For purposes of this chapter, grant payment standard is defined as payment level or the amount payable to a family of the same composition with no other income or nonexempt resources.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-020 ((FRAUD)) INTENTIONAL OVERPAYMENT—DEFINED. (1) (("Fraud" shall mean a deliberate, intentional, and willful act, with the specific purpose of deceiving the department with respect to any material fact, condition, or circumstance affecting eligibility or need)) "Intentional overpayment" means an overpayment occurring when there is willful or knowing intent of the recipient to either receive or retain an overpayment.

(((a) "Act" as used here includes the willful failure to act when there is a lawful duty to act, and the willful concealment of or failure to reveal information when there is a lawful duty to reveal such information.

(b) An act based on ignorance, confusion, or mistake and done without intention to deceive shall not be considered fraudulent.

- (c) An applicant or recipient shall not be charged with fraud when an overpayment is directly due to any omission, neglect, or error by the department in securing, recording, or acting on information, but shall be responsible for repayment of the overpayment pursuant to the applicable rules in WAC 388-44-127, 388-44-130, and 388-44-140.))
- (2) ((The failure)) It shall be the duty of any recipient of public assistance to notify the department within twenty days of any change in circumstances affecting eligibility or need, including receipt or possession of all income or resources not previously declared to the department((, shall be prima facie evidence of fraud)). When a local office finds that an applicant or recipient has misstated or failed to reveal any material fact affecting eligibility or need, it shall presume that such act was done intentionally.
- (3) It shall be the duty of the department, whenever it finds misstatement or failure to reveal pertinent facts or circumstances, to secure further evidence, whenever possible, which enables it to formulate a firm opinion as to whether or not the act was committed intentionally ((and fraudulently)). In the absence of such further evidence, the presumption is not overcome; however, such presumption is rebuttable.
- (4) The department must inform all applicants and recipients of their rights and responsibilities concerning eligibility for and receipt of assistance.
- (5) See chapter 388-46 WAC for referral to county prosecutor for possible criminal action.

NEW SECTION

WAC 388-44-025 OVERPAYMENTS—EF-FECTIVE DATES. Overpayments that occur after April 3, 1982, shall be established according to rules in chapter 388-44 WAC. Recovery of such overpayments is provided for in WAC 388-44-125 and 388-44-130 through 388-44-280. AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-035 OVERPAYMENT—AMOUNT. (1) The amount of overpayment shall be determined as follows:

- (a) ((If assistance is obtained as a result of a willful act of the recipient to deceive the department, the over-payment shall be one hundred twenty-five percent of the amount of assistance, including medical care, to which the assistance unit was not entitled.
- (b) If no willful act to deceive is involved,)) The overpayment shall be the amount of assistance, including medical care, to which the assistance unit was not entitled.
- (((c))) (b) To determine the amount to which the assistance unit was not entitled in <u>subsection (1)(a) ((and (b)))</u>) of this ((subsection)) <u>section</u> the overpayment shall be reduced:
- (i) By the amount of assistance that the assistance unit would have been eligible to receive during the period of ineligibility from any other category of assistance.
- (ii) For overpayments incurred in months prior to October 1, 1981, only the amount of any child care paid by a recipient while earning unreported wages in the amount the department would have paid if the employment and child care had been properly reported. For AFDC or refugee assistance overpayments incurred after October 1, 1981, there will be no allowable work expenses computed in determining the amount of an overpayment resulting from unreported wages. For general assistance overpayments incurred after October 1, 1981, the amount of any child care paid by a recipient while earning unreported wages in the amount the department would have paid if the employment and child care had been properly reported.
- (iii) By the amount of child support, paid by the absent parent for the month of overpayment, in excess of the amount of assistance the assistance unit was actually entitled.
- (2) When establishing an overpayment for a period of time containing both overpayments and underpayments any overpayment shall be reduced by the amount of any underpayment.
- (3) Underpayments, not negated by being budgeted against an overpayment established at the same time, will be paid to recipients upon discovery. Underpayments to former recipients will not be paid unless specifically ordered by a decision of the courts or a fair hearing. For purposes of determining continued eligibility and amount of assistance, underpayments paid to recipients shall not be considered as income or as a resource in the month paid nor in the next following month.

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-110 OVERPAYMENT—LIA-BILITY. (1) Overpayments may be recovered from:

(a) The assistance unit which was overpaid;

- (b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member, or
- (c) Any individual members of the overpaid assistance unit whether or not currently a recipient.
- (2) The exception to this rule is the individual acting as payee only and deriving no financial benefit from the payment of assistance. In such instance the overpayment account receivable is established in the name of the person who received the financial benefit of the payment of assistance.
- (((3) There shall be no liability placed upon recipients of nonfraudulent general assistance overpayments when the department determines that the cost of collection exceeds the amount recoverable. The department has determined that the cost of collection exceeds the amount recoverable when the total overpayment being established is fifty dollars or less.))

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-115 VERIFICATION OF OVER-. PAYMENT. (1) When an apparent overpayment has occurred, the department shall attempt to verify all pertinent information in the case. The department shall attempt to contact the recipient and request an explanation of the circumstances surrounding the apparent overpayment.

(2) If the recipient does not respond or fails to cooperate, the department shall make an independent determination, based on all available information, that an overpayment either has or has not occurred.

- (3) When an overpayment has been verified, the department shall take appropriate action to secure repayment as prescribed by WAC 388-44-125 through 388-44-160. Any such action shall be consistent with departmental rules on notification of suspension, termination, or reduction of grant.
- (4) A letter shall be sent to any recipient or payee ((whose liability for)) when an overpayment has been established. The letter shall include the following information:
 - (a) The amount of the overpayment,
- (b) The circumstances which brought about the overpayment,
 - (c) The dates ((on which)) the overpayment occurred,
- (d) An explanation of the method of repayment and the effect of the overpayment on future grant payments,
- (e) A determination that ((fraud)) an intentional overpayment is or is not involved,
- (f) A statement that overpayments are debts due the state,
 - (g) A computation of the amount due the state,
- (h) A statement that the financial recovery office is responsible for establishing repayment schedules when recoupment is not subject to a mandatory deduction from the current grant,
 - (i) A statement of the right to a fair hearing.
- (5) When the overpayment is intentional, a letter notifying ((a)) the person ((of a fraud overpayment)) must include the following statements in addition to the items in subsection (4) of this section:

- (a) Property of the debtor will be subject to collection action after the debtor terminates from public assistance.
- (b) Property will be subject to lien and foreclosure, distraint and seizure, and sale or order to withhold and deliver.
- (c) Net proceeds of subsection (5)(a) and (b) of this section will be applied to satisfy the overpayment debt.
- (d) Action to collect the debt as in subsection (5)(a) and (b) of this section is lawful after ninety days from the debtors termination from public assistance or receipt of the notice of debt, whichever is later.
- (6) A person who has incurred ((a fraud)) an over-payment shall be notified of that debt by:
 - (a) Personal service, or
- (b) Certified mail, return receipt requested, addressee only.
 - (7) Personal service may be made by:
 - (a) An employee of DSHS((-)), or
- (b) The sheriff of the county ((in which)) where the recipient of public assistance resides. When service is made by the sheriff, an affidavit of service on the county's form will routinely be furnished by the sheriff.
- (c) Any other person eighteen years of age or older who is competent to be a witness in the action.
- (8) Personal service can be made by delivering a copy of the overpayment letter as follows:
- (a) If to a minor, to such minor personally, and also to his or her father, mother, guardian, or if there is none within the state, then to any person having the care, custody or control of such minor or who is the payee of the minor's grant, or with whom he or she resides or in whose service he or she is employed.
- (b) If to any person for whom a guardian has been appointed for any cause, then to such guardian.
- (c) If to a company or corporation, to the president or other head of the company or corporation, secretary, cashier, or managing agent thereof or the secretary, stenographer or office assistant of the president or other head of the company or corporation, secretary, cashier or managing agent.
- (d) In all other cases, to the debtor personally or by leaving a copy of the letter at the residence of the debtor's usual abode with some person of suitable age and discretion residing therein.
- (e) If joint liability exists, cach debtor shall be provided a copy, except only one copy need be sent to spouses living together.
- (f) Out-of-state service shall be the same as personal service within the state.
- (g) Refusal of such notice by the debtor is proof of notice to the debtor of the debt owed.
- (9) Nothing in this section precludes the department from recovering overpayments by deduction from subsequent assistance payments.

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-125 REPAYMENT OF OVER-PAYMENT FROM CURRENT RECIPIENTS. (1) Repayment of an overpayment shall be made by the individual or the overpaid assistance unit from resources

and/or income, and/or by deductions from subsequent grants, and/or as a result of civil or criminal action initiated by the department or the prosecutor, and/or from an estate upon death.

(((2) Deleted.

- (3) In determining whether a person or assistance unit is financially able to make repayment, he, she, or they, except when fraud is involved, are not asked to mortgage the home or personal property which is being used, or make a loan on life insurance, in order to secure cash to repay the department.
- (4))) (2) A public assistance money grant may not be reduced to recover overpayments of medical assistance, food coupons, or food commodities.
- (((5))) (3) The recipient is required to pay all overpayments except where recovery is determined to be inequitable under WAC 388-44-127(((2))). A mandatory grant deduction will be used to liquidate the overpayment.
- (((6))) (4) An additional deduction from subsequent grants can be made if the recipient so requests in writing specifying the amount of the monthly deduction. Voluntary grant deductions may be discontinued or modified at any time upon written request from the recipient.
- (5) Overpayments, defined in WAC 388-44-145(3)(a), being recovered by monthly deduction not to exceed five percent of the recipient's total monthly grant payment standard shall be recovered promptly. The department will, by the end of the quarter following the quarter in which the overpayment is first identified:

(a) Recover the overpayment, or

- (b) Execute a monthly recovery agreement from a current recipient's grant or income and resources, defined as follows:
- (i) The recipient must see the agency-proposed agreement as defined in WAC 388-44-115(4),
- (ii) The recipient must understand the options available (mandatory deductions or lump-sum payments), and
- (iii) The recipient must be given an opportunity to respond to these payment options.

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-127 REPAYMENT OF OVER-PAYMENT OCCURRING PRIOR TO APRIL 3, 1982, AND RESULTING FROM DEPARTMENT ERROR. (1) Overpayments resulting from department error are debts due the state and are subject to mandatory grant deduction except where recovery is determined to be inequitable.

- (2) When an overpayment is discovered((, and before liability is imposed, the CSO must first)) that resulted from department error and occurred prior to April 3, 1982, liability will not be imposed until it is first determined that recovery would not be inequitable. Recovery shall be deemed inequitable if:
- (a) The department admitted or stated to the recipient or to the recipient's authorized representative that the recipient was entitled in whole or in part to the moneys or services overpaid, or acted in a manner which would reasonably lead that recipient to believe that he or she

was eligible to receive in whole or in part the moneys or services overpaid; and

(b) The recipient retained or accepted the moneys or services overpaid on the faith of such an admission, statement, act or omission; upon which he or she had a right to rely; and

(c) The recipient would suffer an injury if the department were allowed to repudiate the department's admis-

sion, statement, act or omission.

"Injury," as used in this section includes the imposition of liability for repayment of a debt due the state.

- (3) If recovery would be inequitable, the recipient shall not be liable for repayment; the overpayment shall not be a debt due the state, and the recipient shall be so informed.
- (4) If recovery would not be inequitable, the recipient shall be notified that he or she is liable for repayment of the debt and the overpayment is subject to a mandatory deduction from the current grant. The recipient shall also be informed as to the specific reasons why recovery would not be inequitable, including a copy of this rule, and as to his or her right to contest such decision.
- (5) Department decisions made pursuant to this section shall be subject to fair hearing review in accordance with the procedures set forth in chapter 388-08 WAC and appropriate findings and conclusions shall be made on all of the factors made pertinent in this section.

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-130 REPAYMENT OF OVER-PAYMENT FROM FORMER RECIPIENTS. Over-payments are debts due the state. Collection of such debts shall be effected by the department according to established rules and procedures. ((A former recipient continues to be liable for overpayment debts incurred while he or she was a recipient, until such time as the debt is paid in full or charged off as uncollectible by the secretary and the attorney general.)) The financial recovery office shall be responsible for establishing a repayment schedule for former recipients.

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-145 INVOLUNTARY REPAYMENT OF OVERPAYMENT—MANDATORY GRANT DEDUCTION. (1) An overpayment shall be recouped by mandatory deduction from future continuing assistance grants except as modified by subsection (2) of this section and WAC 388-44-127.

(2) ((H)) An intentional overpayment is subject to recovery by mandatory recoupment and if the recipient has cash, bank accounts, or marketable securities he or she refuses to use in full or partial satisfaction of an overpayment, a monthly deduction of up to one hundred percent of future grant(s) shall be established until such time as the amount of the grant(s) the recipient would be otherwise eligible to receive equals the value of the cash, bank accounts, or marketable securities ((which have been)) withheld. The amount of income and resources remaining available to the assistance unit shall

not be less than ninety percent of the grant payment standard defined under the state plan to a family of the same composition with no other income.

(3) ((When deductions have been made)) After intentional overpayments are satisfied pursuant to subsection (2) of this section and the recipient still owes ((money)) a debt, or when subsection (2) of this section does not

apply,

- (a) The department shall, on a case-by-case basis, limit the amount of the monthly deduction so the deduction shall not exceed ((ten)) five percent of the recipient's total monthly ((assistance)) grant payment standard if the requirements of WAC 388-44-125(5) are satisfied or unless the recipient voluntarily requests a larger deduction in writing.
 - (b) ((Deleted:
 - (c) Deleted.
- (d))) When a recipient is in a nursing home, intermediate care facility, or hospital, a monthly deduction may be made against the clothing and incidental grant to the recipient. A monthly deduction shall not be made against the vendor payment to the nursing home or intermediate care facility.
- (((c))) (c) The grant shall be suspended when the monthly deduction is equal to or more than the grant which would have been paid had no overpayment occurred.
- (4) ((Whenever there is a)) Prior to the initial grant deduction, the client shall be informed in writing of the amount of the monthly deduction. The notification shall state the amount of the current grant before and after the deduction is made, the date the deduction begins, the total amount of overpayment to be recouped by grant deduction, and the approximate number of months the deduction will be made.
- (5) Mandatory deductions from public assistance grants shall recoup no more than one hundred percent of the amount of assistance that the individual was ineligible to receive.

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-150 INVOLUNTARY REPAY-MENT OF OVERPAYMENT—LIEN ON PROPER-TY. When the department determines ((that fraud)) there is ((involved in)) an overpayment, the filing of a lien against property owned by the individual pursuant to RCW 74.04.300 shall be the responsibility of the financial recovery office.

WSR 83-05-047 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed February 16, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-06-080 Personnel Board-Powers-Duties.

Amd WAC 356-26-020 Registers—Appointments—How made. WAC 356-30-190 Transfer-Within class-Agency-Per-Amd mitted-Report. WAC 356-30-200 Transfer—Between classes—Approval. Amd *WAC 356-30-210 Transfer-Between Amd agencies-Restrictions. WAC 356-30-230 Demotion-Voluntary; Amd

that the agency will at 10:00 a.m., Thursday, March 10, 1983, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 8, 1983.

This notice is connected to and continues the matter in Notice Nos. WSR 82-15-073, 82-19-089, 82-21-046, *82-22-084 and 83-01-042 filed with the code reviser's office on July 21, 1982, September 22, 1982, October 18, 1982, *November 3, 1982, and January 17, 1983[December 13, 1982].

Dated: February 15, 1983 By: Leonard Nord Secretary

WSR 83-05-047A PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed February 16, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-30-240 Demotion—Subsequent elevation.

Reduction—in-force—((Rules))
sons, regulations—Procedure;

that the agency will at 10:00 a.m., Thursday, March 10, 1983, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 8, 1983.

This notice is connected to and continues the matter in Notice Nos. WSR 81-18-059[82-18-059], 82-21-

046, *83-01-093 and 83-03-035 filed with the code reviser's office on September 1, 1982, October 18, 1982, *December 20, 1982, and January 17, 1983.

Dated: February 15, 1983 By: Leonard Nord Secretary

WSR 83-05-048 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed February 16, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning retail sales and use tax, business and occupation tax, public utility tax, cigarette tax, tobacco products taxes, and conveyances taxes, chapter 458-20 WAC;

that the agency will at 8:30 - 11:30 a.m., Thursday, March 24, 1983, in the Revenue Conference Room, 415 General Administration Building, Capitol Campus, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 28, 1983.

The authority under which these rules are proposed is RCW 82.32.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 24, 1983.

Dated: February 16, 1983

By: J. Johnson, Administrative Assistant for Don R. McCuiston, Director, Tax Rules

Interpretation and Appeals Division

STATEMENT OF PURPOSE

Statutory Authority: RCW 82.32.300.

The Agency Personnel Responsible for Drafting and Implementation: Don R. McCuiston, 415 General Administration Building, Olympia, Washington 98504, Telephone: 753-5525; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, Washington 98504, Telephone: 753-5540.

Title: WAC 458-20-194 Doing Business Within and Without the State.

Purpose: Proposes a change in title. It also adds a definition of "place of business" and slightly changes the definition of persons entitled to apportion income between Washington and other states. This rule is intended to implement RCW 82.04.460. The change in title is for clarification. The definition of "place of business" clarifies existing policy which has not been incorporated into the rule. The definition of persons entitled to apportionment is changed to emphasize that performance of a service is required both inside and outside the state.

Title: WAC 458-20-195 Taxes, Deductibility.

Purpose: The proposal is to delete references to taxes which have been statutorily repealed. It also adds one tax, the leasehold excise tax which has been enacted since the last time the rule was amended. This rule is

intended to implement no specific statute. This proposal will eliminate inapplicable language from the rule and add necessary new language to provide for the deductibility of a tax adopted after the last rule amendment, the leasehold excise tax.

Title: WAC 458-20-201 Interdepartmental Charges.

Purpose: To make minor changes in wording and to change a reference to another rule whose title is being changed. This amendment contains only minor changes which will make the rule more accurate than it currently is

Title: WAC 458-20-206 Use Tax, Fuel Oil, Oil Products, Other Extracted Products.

Purpose: The amendment to this rule is proposed to correct a reference to a section in RCW. This rule is intended to implement chapter 37, Laws of 1980. The amendment conforms the rule to the new RCW numbering system for excise tax exemptions and deductions adopted in 1980.

Title: WAC 458-20-209 Farming Operations Performed for Hire.

Purpose: To add a phrase inadvertently omitted the last time the rule was amended. The language to be added has appeared in all printed versions of the rule used by the Department of Revenue. This amendment conforms the rule to longstanding administration of the rule.

Title: WAC 458-20-210 Sales of Farm Products by Farmers Producing the Same.

Purpose: To delete a reference of the \$1 registration fee. This rule is intended to implement RCW 82.32.030. The fee for registering with the Department of Revenue was statutorily changed. This amendment deletes a reference to an outdated fee amount.

Title: WAC 458-20-211 Leases or Rentals of Tangible Personal Property.

Purpose: To provide for a use tax exemption for articles acquired by bailment and consumed in research and development activities if the bailor was exempt from sale or use tax. This change is intended to implement RCW 82.12.0265. The added language conforms the rule to a statutory enactment.

Title: WAC 458-20-214 Cooperative Marketing Associations and Independent Dealers Acting as Agents of Others with Respect to the Sale of Fruit and Produce.

Purpose: The proposal is to correct an erroneous instruction that warehousing is subject to business and occupation tax. It correctly instructs that warehousing is subject to public utility tax. This is in conformance with the law.

Title: WAC 458-20-215 Auditing Out-of-State

Purpose: To eliminate the requirement of a notice to out-of-state taxpayers asking them which of three methods will be used in auditing them. The taxpayers retain the right to elect any of those methods. The amendment conforms the rule to longstanding practice.

The Department of Revenue has not been sending formal notices asking taxpayers for a selection of the method of audit. Taxpayers and the department have worked this out on a more informal basis in the past and will continue to do so.

Title: WAC 458-20-218 Advertising Agencies.

Purpose: To add a cross reference to another rule. It will assist users of the rule to understand the conditions under which advertising agencies may purchase articles for their clients without tax consequences.

Title: WAC 458-20-219 Patronage Dividends of Cooperative Associations, Not Deductible.

Purpose: To add public utility tax to the other categories of tax from which patronage dividends declared by cooperative selling associations are not deductible. This is a clarification of longstanding policy which has not been incorporated into the rule but has been the practice of the Department of Revenue.

Title: WAC 458-20-221 Collection of Use Tax by Retailers and Selling Agents.

Purpose: To delete references to use tax certificates of registration, form 2402C. This form is no longer used by the Department of Revenue.

Title: WAC 458-20-222 Veterinarians.

Purpose: To delete the words "when such." These words were printed twice in a row when the rule was previously amended.

Title: WAC 458-20-223 Persons Performing Contracts on the Basis of Time and Material, or Cost-Plus-Fixed-Fee.

Purpose: To change the word "publishes" to "published." This corrects a typographical error which occurred the last time the rule was amended.

Title: WAC 458-20-226 Landscape Gardners.

Purpose: To specifically provide for the taxation of persons in the business of renting, maintaining or watering plants. It also specifies the use tax liability of such persons. This amendment clarifies existing policy which has not previously been incorporated into the rule.

Title: WAC 458-20-227 Community Television Antenna Services.

Purpose: To change references to community television antenna services from that terminology to community antenna television service. This change conforms to common usage and the terminology used in federal legislation.

Title: WAC 458-20-229 Refunds.

Purpose: To change the period for which refunds may be granted from two years to four years. This rule is intended to implement RCW 82.32.060. This amendment conforms the rule to a statutory change in the period for which refunds may be granted.

Title: WAC 458-20-231 Tax on Internal Distribution.

Purpose: 1. To establish a more appropriate rule title by adding the phrase "internal distribution" and deleting the phrase "wholesaling functions" and the

parenthesized rule number. 2. To amend the rule to reflect the decisions of the supreme court and board of tax appeals. 3. To further clarify what constitutes a retail outlet and that delivery costs are included in the term purchase price. This rule is intended to implement RCW 82.04.270(2). The tax is imposed upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales, e.g., a horizontal distribution such as by Safeway stores instead of the traditional vertical wholesaler-retailer distribution. "Wholesaling functions" does not appear in the imposing statute. Thus, internal distributions is deemed more descriptive and appropriate. The rule needs amending to reflect such decisions as Rusan's v. State, 78 W2d 601; Air Mac v. State, 78 W2d 143, and Preservative Paint Co. v. Dept. of Revenue, BTA Docket No. 16006.

Title: WAC 458-20-232 Sales of Intoxicating Liquor. Purpose: To delete the parenthesized rule number from the title and provide reference to WAC 458-20-119 which deals with class H business and taverns. This rule is intended to implement RCW 82.08.150, chapters 82.08 and 82.14 RCW. The Department of Revenue believes the amendatory reference will aid taxpayers engaged in selling beer and intoxicating liquor in more readily determining actual excise tax liability.

Title: WAC 458-20-234 Business Tax on Flour Millers, Manufacturers of Soybean or Sunflower Oil.

Purpose: To reflect a legislative amendment to RCW 82.04.260(2). The rule must be updated to reflect the current law relative to RCW 82.04.260(2) as amended by section 2, chapter 196, Laws of 1979 1st ex. sess. The legislation includes manufacturing of soybean or sunflower oil within the group of activities entitled to a one eighth of one percent excise tax rate.

Title: WAC 458-20-236 Sport Organizations.

Purpose: To shorten and make the title more inclusive of the intended subject matter, as well as to present more specific reporting instructions. This rule is intended to implement chapter 82.04 RCW (B&O tax), chapter 82.08 RCW (retail sales tax), chapter 82.12 RCW (use tax). This administrative rule has not been revised since 1959. In the interim the increased prominence of professional sports coupled with the interstate commerce aspects of income earned out of state from games played and television and broadcast contracts require an updated and more comprehensive rule.

Title: WAC 458-20-238 Sales to Nonresidents of Watercraft Requiring Coast Guard Registration or Documentation.

Purpose: To create a more descriptive title, delete the parenthesized rule number, update statutory references, reflect changes in certain aspects of U.S. coast guard administrative responsibilities, and eliminate meaningless items currently suggested as being acceptable for establishing nonresidency. This rule is intended to implement RCW 82.08.0266. Documented boats are watercraft over five tons in weight. They were formerly registered by the U.S. Bureau of Customs. In case of documentation the registration number remains branded upon the boat for its entire life and is, because of the

substantial value involved, necessary for financing purposes. The coast guard now administers the documentation function. The Department of Revenue has concluded that there is no valid reason to distinguish between coast guard registered watercraft and documented vessels, as provided by the existing rule, relative to sales to nonresidents.

Title: WAC 458-20-239 Sales to Nonresidents of Farm Machinery or Implements.

Purpose: Eliminate the parenthesized rule number in title, reflect codification change of the involved statute, and to narrow the list of documentary items allowed for evidence of nonresidency. This rule is intended to implement RCW 82.08.0268. The main reason is to correctly state the number of the referenced statute. However, since the rule implements an exemption statute, it is deemed prudent to eliminate formerly accepted meaningless identification items for purpose of conclusively establishing the purchaser exempt from retail sales tax for reason of being a nonresident.

Title: WAC 458-20-240 Manufacturing, Tax Credits. Purpose: To delete parenthesized rule number from title, and to reflect a 1979 legislative amendment to RCW 82.04.260. This rule is intended to implement RCW 82.04.435. The only substantive change adopted is to include oil manufacturers within the scope of the rule as required by section 2, chapter 196, Laws of 1979 1st ex. sess. (RCW 82.04.260(2)). The manufacturing tax credit, under the law, has virtually been phased out.

Title: WAC 458-20-242A Pollution Control Exemption and/or Credits for Single Purpose Facilities Added to Existing Production Plants to Meet Pollution Control Requirements and Which are Separately Identifiable Equipment Principally for Pollution Control.

Purpose: To delete parenthesized rule number, to add a needed definition, to effect the result of a Washington supreme court decision, to provide for revocation of certificate, to incorporate 1974 legislation, and to reinsert language inadvertently deleted during last revision of this rule. This rule is intended to implement chapter 82-34 RCW. The rule's revisions are sought for general housekeeping purposes found to be necessary as a result of the department's experience in administering chapter 82.34 RCW as well as to implement the supreme court's decision in International Paper Co. v. Department of Revenue, 92 W2d 277 (1979) and to adopt a 1978 legislative enactment, section 5, chapter 158, Laws of 1975 lst ex. sess.

Title: WAC 458-20-243 Litter Tax.

Purpose: To delete parenthesized rule number in title and to make some nonsubstantial housekeeping language changes. This rule is intended to implement chapter 70-93 RCW. The primary reason for the revision is to supply the appropriate statute codification number and to delete the 1971 session law chapter number for reference purposes. Since there are necessarily continuing changes made to the excise tax return, it is deemed advisable to eliminate reference to a specifically numbered litter tax reporting line and merely call attention to the fact there

is a designated place on the return upon which to report tax liability.

Title: WAC 458-20-241 Radio and Television Broadcasting.

Purpose: Portions of the rule have been clarified as the result of consultation with the radio and television industry. Also, industry made responsible for providing information formerly provided by Federal Communications Commission. This rule is intended to implement RCW 82.04.280. To clarify, with statutory confines, the provisions of rule 241. FCC no longer provides figures necessary to compute deductions in RCW 82.04.280.

Title: WAC 458-20-177 Sales of Motor Vehicles, Campers, and Trailers to Nonresidents.

Purpose: The amendment to this rule is proposed to define vehicle to include motor vehicles, campers, and trailers; correct incorrect and outdated statutory citations; change one transit permit to trip permit in accordance with statute; provide that foreign license plates be attached at the time of final delivery; combine two affidavits into one; require dealers to submit copies of affidavits with tax returns; provide that affidavits and certificates referred to in the rule are the only allowable proof of sales tax exemptions. This rule is intended to implement RCW 82.08.0264 and 46.16.160. This amendment streamlines and updates the rule. It advises dealers and their customers with more certainty of the requirements for sales tax exemption when nonresidents purchase motor vehicles, campers, and trailers for use outside of Washington.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-194 (((RULE 194))) DOING BUSINESS ((WITHIN)) INSIDE AND ((WITHOUT)) OUTSIDE THE STATE. Persons domiciled outside this state who (1) sell or lease personal property to buyers or lessees in this state, or (2) perform construction or installation contracts in this state, or (3) render services to others herein, are doing business in this state, irrespective of the domicile of such persons and irrespective of whether or not such persons maintain a permanent place of business in this state.

Persons domiciled in and having a place of business in this state, who (1) sell or lease personal property to buyers or lessees outside this state, or (2) perform construction or installation contracts outside this state, or (3) render services to others outside this state, are doing business both ((within)) inside and ((without)) outside this state. Whether or not such persons are subject to business tax under the law depends upon the kind of business and the manner in which it is transacted. The following general principles govern in determining tax liability or tax immunity.

BUSINESS AND OCCUPATION TAX

When the business involves a transaction in or related to interstate or foreign commerce, see WAC 458-20-193.

When the business involves a construction or installation contract in this state, no deduction from the measure of the tax is permitted, even though the contractor is domiciled outside this state and maintains a place of business outside this state which may contribute to the contract performed in this state. See WAC 458-20-137, 458-20-170, 458-20-171 and 458-20-172.

When the business involves a construction or installation contract outside this state, the tax does not apply to any part of the income derived therefrom (except such part of the income as may be applicable to the manufacture in this state by the contractor of articles used or incorporated in such construction or installation), even though the contractor is domiciled in this state and maintains a place of business

herein which may ((contribute to)) assist in performance of the contract ((performed)) outside this state. See WAC 458-20-136.

When the business involves a transaction taxable under the classification Service and Other Business Activities, the tax does not apply upon any part of the gross income received for services incidentally rendered to persons in this state by a person who does not maintain a place of business in this state and who is not domiciled herein. However, the tax applies upon the income received for services incidentally rendered to persons outside this state by a person domiciled herein who does not maintain a place of business within the jurisdiction of the place of domicile of the person to whom the service is rendered.

For example, persons domiciled herein, but having no place of business outside this state, are taxable upon the following types of income:

- 1. An insurance agency upon commissions received for insurance placed without the state.
- 2. An attorney upon fees received from persons without the state, even though a portion of his services were necessarily performed without the state.
- A collection agency upon income received from clients without the state or with respect to collections made from persons without the state.
- 4. An accountant upon income received from persons for services performed without the state.
- 5. A financial business upon income received from loans placed without the state.
- 6. A commodity broker upon commissions received from persons without the state.
- 7. An advertising agency upon income received from advertising solicited and secured from firms without the state.
- 8. An employment agency upon income received for securing employees for firms without the state.
- 9. A physician upon income received from the treatment of patients without the state.
- 10. A purchasing agency upon commissions received from clients without the state or with respect to purchases made without the state.

Persons engaged in a business taxable under the Service and Other Business Activities classification and who maintain places of business both ((within)) inside and ((without)) outside this state each of which ((contribute to the performance)) performs a portion of a service, shall apportion to this state that portion of gross income derived from services rendered by them in this state. Where it is not practical to determine such apportionment by separate accounting methods, the taxpayer shall apportion to this state that proportion of total income which the cost of doing business within this state bears to the total cost of doing business both within and without this state.

For purposes of apportionment under RCW 82.04.460 and this rule the term "place of business" generally means a location at which regular business of the taxpayer is conducted and which is either owned by the taxpayer or over which the taxpayer exercises legal dominion and control. The term does not include locations or facilities at which the taxpayer acquires merely transient lodging nor does it include mere telephone number listings or telephone answering services.

PUBLIC UTILITY TAX

Persons engaged in a public service business in this state are not taxable with respect to gross income derived from conducting business outside this state, nor in respect to conducting business in interstate or foreign commerce.

((Revised June 1, 1970:))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-195 (((RULE 195))) TAXES, DEDUCTIBILITY. A. DEDUCTIBILITY, GENERALLY. In computing tax liability, the amount of certain taxes may be excluded or deducted from the Gross Amount reported as the measure of tax under the business and occupation tax, the retail sales tax and the public utility tax. Such taxes may be deducted provided they (1) have been included in the Gross Amount reported under the classification with respect to which the deduction is sought, and (2) have not been otherwise deducted through inclusion in the amount of an allowable deduction taken under such classification for another reason, i.e., interstate commerce, etc.

The amount of taxes which are not allowable as deductions or exclusions must in every case be included in the Gross Amount reported.

B. MOTOR VEHICLE FUEL TAXES. So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the state of Washington or the United States government upon the sale

thereof may be deducted by every seller thereof from the gross proceeds of sales reported under the business and occupation tax.

C. OTHER TAXES. The amount of taxes collected by a taxpayer, as agent for the state of Washington or its political subdivisions, or for the Federal government, may be deducted from the Gross Amount reported. Such taxes are deductible under each tax classification of the Revenue Act under which the Gross Amount from such sales or services must be reported.

This deduction applies only where the amount of such taxes is received by the taxpayer as collecting agent and is paid by the agent directly to the state, its political subdivisions, or to the Federal government. When the taxpayer is the person upon whom a tax is primarily imposed, no deduction or exclusion is allowed, since in such case the tax is a part of the cost of doing business. The mere fact that the amount of tax is added by the taxpayer as a separate item to the price of goods he sells, or to the charge for services he renders, does not in itself, make such taxpayer a collecting agent for the purpose of this deduction.

SPECIFIC TAXES, DEDUCTIBLE. The deductions under paragraphs B and C above apply to the following excise taxes among others:

Federal—	
((Tax on admission (bona fide price only).	26 U.S.C.A. Sec. 4231-
Tax on dues, membership and initiation fee	s 26 U.S.C.A. Sec. 4241-))
Tax on gasoline	26 U.S.C.A. Sec. 4081:
((Retailers' Excise Tax	26 U.S.C.A. chanter 31
Tax on furs	26 U.S.C.A. Sec. 4011
Tax on jewelry	
Tax on luggage, etc	
Tax on toilet preparations	
Tax on safe deposit boxes	26 HS C A Sec 4286))
Tax on telegraph, telephone, radio and	cable
messages	
Tax on transportation of persons	26 U.S.C.A. Sec. 4251;
Tax on transportation of property	26 U.S.C.A. Sec. 4201,
State	
Leasehold Excise Tax collected from lessees	, chapter 82,29A RCW:
Motor Vehicle Fuel Tax, chapter 82.36 RC	W:
Retail Sales Tax collected from huvers char	

Retail Sales Tax collected from buyers, chapter 82.08 RCW; Use Tax collected from buyers, chapter 82.12 RCW;

Municinal—

City Admission Tax (imposed by city ordinance pursuant to RCW 35.21.280); County Admissions and Recreations Tax (imposed by county ordinance pursuant to chapter ((82.36))36.38 RCW).

Specific Taxes—Nondeductible. No deduction is allowed with respect to the following licenses and taxes, among others:

, ,
Federal—
A.A.A. Compensating Tax
A.A.A. Processing Tax
7 U.S.C.A. ((chapter 26)) <u>Sec. 609;</u>
((Brewers' and Distillers' Taxes (see Occupa-
tions-Liquor)
Cabarets, roof gardens, etc., tax
Capital Stock Taxes (see Stamp Taxes)
Coconut and vegetable oil processors'
tax 26 U.S.C.A. Sec. 4511;
Dividend taxes (see Stamp Taxes)))
Employment taxes
Estate taxes
((Filled cheese tax
Gift taxes
((Imported fish, animal and vegetable
oil tax 26 U.S.C.A. Sec. 4561, 4571;))
Income taxes
<u>A;</u>
Liquor taxes
Manufacturers' and importers of sugar table U.S.C.A. Sec. ((4:-501))4501:
Manufacturers' excise and import
taxes
Automobiles, etc
((Coal imported
Copper imported
Firearms, shells and cartridges
Taxes imposed by Revenue Act of 1954 26 U.S.C.A. chapter 32:
((Business and Store machines 26 U.S.C.A. Sec. 4191;
Electric, gas and oil appliances 26 U.S.C.A. Sec. 4121;
Electric light bulbs and tubes
Photographic apparatus
Sporting goods
Lubricating oils
((Lumber imported 26 U.S.C.A. Sec. 4551;

W . 1
Matches 26 U.S.C.A. Secs. 4211, 4891
Mechanical pencils, pens and cigarette
lighters 26 U.S.C.A. Sec. 4201
retroieum and derivatives imported :
KCITIECTATORS: GINCK freeze units and self_con-
tained air-conditioned units 26 U.S.C.A. Sec. 4111;))
Tires and inner tubes
Narcotics tax
Occupation taxes:
((Coin operated amusement and gaming de-
vices
Handlers of marihuana
Handlers of narcotics
Importers, manufacturers and dealers in
firearms
Insurance policies issued by foreign
incurers 20 Li C C + C + 107
insurers 26 U.S.C.A. Sec. 4371; ((Liquor dealers and others 26 U.S.C.A. Sec. 5081; et seq.;
Manufactures of and others 20 O.S.C.A. Sec. 5081; et seq.;
Manufacturers of renovated butter 26 U.S.C.A. Sec. 4821;
Operators of bowling alleys, billiard and
pool rooms
Sale and transfer of firearms tax
((Stamp taxes (corporate securities, capital
stock, insurance policies, playing cards, etc.
26 U.S.C.A. chapter 34 and Sec. 4451;))
Tobacco excise taxes
((Transportation of oil by pipeline tax
Wagering taxes
State and Municipal—
Ad valorem property taxes
Alcoholic beverages licenses and stamp taxes chapter 66.24 RCW;
(Breweries, distributors and
wineries)
Boxing and wrestling licenses and tax chapter 67.08 RCW;
Business and occupation tax
Cigarette tax chapter 82.24 RCW;
Conveyance tax
Gift and inheritance taxes Title 83 RCW;
Local license fees
((Mechanical devices taxchapter 82.28 RCW;))
Parimutuel tax RCW 67 16 100-
Public Utility tax
Real estate ((sales)) excise tax chapter ((28.45))28A.45 RCW;
Regulatory fees
State license fees
Tobacco products tax
((Use fuel tax
Use tax when not collected as agent for state chapter 82.12 RCW.
as agent for state chapter 82.12 RCW.

The question of the right to exclude or deduct the amount of any tax other than those authorized herein should be submitted to the Department of Revenue for determination.

((Revised March 1, 1954.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-201 (((RULE-201))) INTERDEPARTMENTAL CHARGES. The term "interdepartmental charges" means amounts credited to the sales account or other gross income account of a tax-payer for goods, materials or services furnished by one department or branch of a business organization to another department or branch of the same business concern ((of)) or firm.

Tax ((is)) may be due upon interdepartmental charges covering transfers of goods from a central location to two or more retail outlets. See WAC 458-20-231, Tax on ((Wholesaling Functions)) Internal Distributions. Tax is also due upon the value of products extracted or manufactured by one branch or department of a business for commercial or industrial use of another branch or department of the same business. See WAC 458-20-134. In other cases amounts representing interdepartmental charges may be excluded in computing tax due. This does not permit the exclusion or deduction of charges against or income derived from an affiliated corporation or other affiliated association.

Municipal corporations are entitled to an exclusion of interdepartmental charges in computing tax whether or not the charges represent an actual transfer of money or merely a bookkeeping entry (see WAC 458-20-189).

((Revised June 1, 1970.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-206 (((RULE 206))) USE TAX, FUEL OIL, OIL PRODUCTS, OTHER EXTRACTED PRODUCTS. The use tax applies to the use of any oil products (except motor vehicle fuel for highway use) or other extracted products used within the state by the producer or extractor thereof, whether such products have been produced or extracted within or without the state, except when used as a fuel directly in the operation of the particular extractive operation or manufacturing plant which produced the same. (RCW ((82.12.030(11)))82.12.0263.)

Distributors who are consumers of fuel oil, are subject to the use tax with respect to the use of such fuel oil, unless the sale of such oil has been subjected to the retail sales tax and the tax paid thereon by such distributor.

((Revised March 1, 1954.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-209 (((RULE-209))) FARMING OPERATIONS PERFORMED FOR HIRE. Persons engaging in the business of threshing grain, baling hay, cutting or binding hay or grain, tilling the land or performing for hire other services connected with farming activities are taxable under the Service and Other Business Activities classification of the business and occupation tax upon the gross income received from the performance of such services.

The extent to which the above functions are performed for others is determinative of whether or not a person is engaged in a taxable business in respect thereto. In other words, a person is not construed as being engaged in a taxable business when his activities are casual and incidental, such as a farmer owning baling equipment or threshing equipment which is used primarily for baling hay or threshing grain produced by himself but who may occasionally accommodate neighboring farmers by baling small quantities of hay or threshing small quantities of grain produced by them. On the other hand, persons owning baling equipment or threshing outfits whose primary business is baling hay or threshing grain for others are engaged in business and taxable with respect thereto, irrespective of the amount or extent of such business and are required to pay the retail sales tax upon the purchase of materials and equipment used in the performance of such services.

In cases where doubt exists in determining whether or not a person is engaging in the business of performing the aforementioned services, all pertinent facts should be submitted to the Department of Revenue for a specific ruling.

((Revised May 1, 1943.))

AMENDATORY SECTION (Amending Order ET 78-4, filed 6/27/78)

WAC 458-20-210 (((RULE-210))) SALES OF FARM PRODUCTS BY FARMERS PRODUCING THE SAME. The term "farm products" as used herein means all farm products such as poultry, livestock, fruit, vegetables and grains.

All farmers engaging in the business of making retail sales of farm products produced by them are required to apply for and obtain a certificate of registration. The ((registration fee is \$1.00 and the)) certificate shall remain valid as long as the taxpayer remains in business.

BUSINESS AND OCCUPATION TAX

Farmers are not subject to tax under the Wholesaling classification of the business and occupation tax upon wholesale sales of farm products which have been raised by them upon land owned by or leased to them. This exemption does not extend to sales of manufactured or extracted products (see WAC 458-20-135 and 458-20-136), nor to the taking, cultivating, or raising of Christmas trees or timber.

Farmers are subject to tax under the Retailing classification of the business and occupation tax upon sales of farm products when the farmer holds himself out to the public as a seller by:

- 1. Conducting a roadside stand or a stand displaying farm products for sale at retail;
- 2. Posting signs on his premises, or through other forms of advertising soliciting sales at retail;
- 3. Operating a regular delivery route from which farm products are sold from door to door; or

4. Maintaining an established place of business for the purpose of making retail sales of farm products.

Farmers selling farm products not raised by them, should obtain information from the Department of Revenue with respect to their tax liability.

RETAIL SALES TAX

All farmers are required to collect the retail sales tax upon all retail sales made by them, except sales of food products exempt under WAC 458-20-244, when the farmer holds himself out to the public as a seller in any of the ways described above.

((Revised April 28, 1978. Effective July 1, 1978.))

AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-211 (((RULE-211))) LEASES OR RENTALS OF TANGIBLE PERSONAL PROPERTY, BAILMENTS. The terms "leasing" and "renting" are used interchangeably and refer generally to the act of granting to another the right of possession to and use of tangible personal property for a consideration. The term "bailment" refers to the act of granting to another the right of possession to and use of tangible personal property without consideration. The terms do not include rental agreements pursuant to which the owner or lessor operates the equipment or supplies an employee operator, whether or not such employee operator works under the supervision or control of the lessee.

BUSINESS AND OCCUPATION TAX

The renting or leasing of tangible personal property constitutes a "sale" (RCW 82.04.040) and persons engaged in renting or leasing such property to users or consumers are taxable under the Retailing classification upon the gross income from rentals as of the time the rental payments fall due. Persons renting or leasing tangible personal property to persons who will rent or lease such property to others are taxable under the classification Wholesaling.

Persons who rent equipment or other tangible personal property and, in addition, operate the equipment or supply an employee to operate the same, are subject to the business and occupation tax (or public utility tax) according to the classification of the activities performed by the equipment and operator. Thus, the charge made to a construction contractor for equipment with operator used in the construction of a building would be taxable under Wholesaling—Other and a similar charge to a contractor for use in the construction of a publicly owned road would be taxable under Public Road Construction.

RETAIL SALES TAX

Persons who rent or lease tangible personal property to users or consumers are required to collect from their ((lessess)) lessees the retail sales tax measured by gross income from rentals as of the time the rental payments fall due.

The retail sales tax does not apply upon the rental or lease of motor vehicles and trailers to nonresidents of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when the motor vehicle or trailer is registered and licensed in a foreign state. For purposes of this exemption, the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

The retail sales tax does not apply upon sales of tangible personal property to persons who purchase the same solely for the purpose of renting or leasing such property. However, the retail sales tax applies upon sales to persons who rent such property with operator or who intend to made some use of the property other than or in addition to renting or leasing.

USE TAX

((Persons)) Consumers who rent or lease tangible personal property from others and who have not paid the retail sales tax to their lessors are liable for the use tax on the amount of the rental payments as of the time the payments fall due.

The value of tangible personal property held or used under bailment is subject to tax if the property was purchased or acquired under conditions whereby the retail sales tax was not paid by the bailor. Tax liability is that of the bailor, or of the bailee if the bailor has not paid the tax. The measure of the use tax for articles acquired by bailment is the reasonable rental for such articles to be determined as nearly as possible according to the rental price at the place of use of similar products of like quality and character. In the absence of rental prices for similar products the reasonable rental may be computed by prorating the retail selling price over the period of possession had by a bailee and payable in monthly installments. No further use tax is due upon property acquired by bailment after tax has been paid by the bailee or any previous bailee upon the full original value of the article. Use tax does not apply to use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental, and testing activities conducted by the user, providing the acquisition or use of such articles by the bailor are exempt from sales or use tax.

AMENDATORY SECTION (Amending Order ET 78-4, filed 6/27/78)

WAC 458-20-214 (((RULE 214))) COOPERATIVE MARKETING ASSOCIATIONS AND INDEPENDENT DEALERS ACTING AS AGENTS OF OTHERS WITH RESPECT TO THE SALE OF FRUIT AND PRODUCE. Persons engaged in the business of buying and selling fruit or produce, as agents of others, and also in the business of washing, sorting, packing, ((warchousing, storing,)) or otherwise preparing for sale the fruit and produce of others, and activities incidental thereto, are taxable under the provisions of the business and occupation tax and the retail sales tax. Tax is due on the business activities of such persons, irrespective of whether the business is conducted as a cooperative marketing association or as an independent produce agent, as follows:

BUSINESS AND OCCUPATION TAX

RETAILING. Taxable with respect to the sale of ladders, picking bags, and similar equipment, sold for consumption.

WHOLESALING. Taxable with respect to:

1. The sale of boxes, nails, labels and similar supplies sold to growers for their use in packing fruit and produce for sale;

2. The sale of insecticides used as spray for fruits and produce;

COLD STORAGE WAREHOUSING. Taxable with respect to gross income from cold storage warehousing, but not including the rental of cold storage lockers.

SERVICE. Taxable under the Service and Other Business Activities classification with respect to:

1. Commissions for buying or selling;

- Charges made for interest, no deduction being allowed for interest paid;
 - 3. Charges for handling;
- 4. ((Charges for warehousing (but see WAC 458-20-182 for Public Warehouses):
- 5:)) Charges for receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein, when performed for persons other than the grower thereof;

((6.)) 5. Rentals of cold storage lockers; and

((7-)) 6. Other miscellaneous charges, including analysis fees, but excepting actual charges made for foreign brokerage and bona fide charges for receiving, washing, sorting and packing fresh perishable horticultural crops and the materials and supplies used therein when performed for the grower, either as agent or independent contractor.

Where a seller performs packing services for the grower and furnishes the materials and supplies used therein, the amount of the charge therefor is deductible, even though the boxes and other packing material are loaned or charged to the grower prior to the time the fruit or produce is received for packing, provided that the boxes and packing materials are returned by the grower to the seller for use in packing fruit and produce for the grower.

RETAIL SALES TAX

The retail sales tax applies to sales of ladders, picking bags, and other equipment sold to consumers, whether sold by associations to members, or by agents to their principals. See WAC 458-20-244 for sales of food products.

USE TAX

The use tax applies upon the use by consumers of any article of tangible personal property, unless the user paid the Washington retail sales tax upon the sale of the property to him.

((Revised April 28, 1978. Effective July 1, 1978.))

PUBLIC UTILITY TAX

WAREHOUSING. Charges for warehousing are taxable under the public utility tax. See WAC 458-20-182.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-215 (((RULE -215))) AUDITING OUT-OF-STATE BUSINESS. Whenever ((it appears from a review of the returns filed by any out-of-state taxpayer, than)) the department of revenue determines that an audit of the books and records of an out-of-state taxpayer is necessary, ((a notice will be sent to)) the taxpayer ((asking the taxpayer to select)) may elect one of the following methods for the audit:

1. If complete records are maintained by each branch of the taxpayer within the State of Washington or at Portland, Oregon, the audit may be made by auditing each of such branches and, if this method is elected, letters of authorization to the Department of Revenue for each branch should be supplied.

2. If complete books and records are not maintained within the state of Washington or at Portland, Oregon, the taxpayer's books and records may be brought from without the state to either the Olympia, Seattle, Spokane, Tacoma, Vancouver, Bellingham, or Walla Walla offices of the Department of Revenue, and the audit will be made at one of these offices. In the event this election is made, the taxpayer must set a definite time for submitting the books and records and advise to which office he will submit them.

3. If complete books and records are not maintained within the state of Washington or at Portland, Oregon, and the taxpayer does not desire to submit such books and records for audit at any of the department offices specified, the taxpayer may elect to have the audit made by an agent designated by the department at the place where such books and records are kept.

In the event the taxpayer elects to have the audit made as provided under method "3", he should so advise the department and signify his willingness to cooperate with the department in order that audits of other taxpayers located in or near the same locality may be grouped.

((Revised June 1, 1970.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-218 (((RULE 218))) ADVERTISING AGENCIES. Advertising agencies are primarily engaged in the business of rendering professional services, but may also make sales of tangible personal property to their clients or others or make purchases of such articles as agents in behalf of their clients. (See WAC 458-20-111.) Articles acquired or produced by advertising agencies may be for their own use in connection with the rendition of an advertising service or may be for resale as tangible personal property to their clients.

BUSINESS AND OCCUPATION TAX

The gross income received for advertising services, including commissions or discounts received upon articles purchased as agents in behalf of clients, is taxable under the Service and Other Business Activities classification. (See WAC 458-20-144 for discounts or commissions allowed by printers.) Included in this classification are amounts attributable to sales of tangible personal property, unless charges for such articles are separately stated in billings rendered to clients.

The Retailing or Wholesaling classification applies to articles of tangible personal property sold to persons for whom no advertising service is rendered and also to charges to clients for such articles if separately stated from charges for advertising services in billings rendered.

The Manufacturing classification applies to articles manufactured for sale or commercial or industrial use (see WAC 458-20-134), and also to interstate sales of manufactured articles separately stated from advertising services. (General principles covering sales or services to persons in other states are contained in WAC 458-20-193.)

RETAIL SALES TAX

The retail sales tax applies upon all sales of plates, engravings, electrotypes, etchings, mats, and other articles to advertising agencies for use by them in rendering an advertising service and not resold to clients.

The retail sales tax must be paid by advertising agencies to vendors upon retail purchases made by them as agent in behalf of clients.

Advertising agencies are required to collect the retail sales tax upon charges taxable under the Retailing classification as indicated hereinabove, and resale certificates may be given by advertising agencies in respect to purchases of such articles.

USE TAX

The use tax applies upon the use of articles purchased or manufactured for use in rendering an advertising service. Articles acquired without payment of retail sales tax which are resold to clients, but not separately stated from charges for advertising service, are also subject to use tax.

((Revised January 1, 1960.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-219 (((RULE 219))) PATRONAGE DIVIDENDS OF COOPERATIVE ASSOCIATIONS, NOT DEDUCTIBLE. Patronage dividends declared by co-operative selling associations or corporations and paid from the earnings of such associations or corporations are not deductible in computing tax liability under ((either)) business and occupation tax, public utility tax, or retail sales tax.

((Revised May 1, 1943.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-221 (((RULE 221))) COLLECTION OF USE TAX BY RETAILERS AND SELLING AGENTS. Every person who has obtained a ((Use Tax)) Certificate of Registration (((Form 2402-C,))) see WAC 458-20-101) is required to collect the use tax from retail buyers in this state, and to report and remit the same to the Department of Revenue.

RCW 82.12.040 of the law provides, among other things, as follows: "Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property of his principals made for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this ((title)) chapter, and for that purpose shall be deemed a retailer as defined in this chapter." (For exceptions as to sale to certain persons engaged in interstate or foreign commerce see WAC 458-20-175.)

However, in those cases where the agent receives compensation by reason of a sale made pursuant to an order given directly to his principal by the buyer, and of which the agent had no knowledge at the time of sale, the said agent will be relieved of all liability for the collection of or payment of the tax. Furthermore, in other cases where payment is made by the buyer direct to the principal and the agent is unable to collect the tax from the buyer, the agent will be relieved from all liability for the collection of the tax from the buyer and for payment of the tax to the department, provided that within ten days after receipt of commission on any such sale, the agent shall forward to the department a written statement showing the following: Name and address of purchaser, date of sale, type of goods sold, and selling price. (Agents may avoid all liability for collection of this tax, provided their principals obtain a ((use tax)) certificate of registration((, Form 2402-C)).)

The use tax is computed upon the value of the property sold. At the time of making a sale of tangible personal property, the use of which is taxable under the use tax, the seller must collect the tax from the purchaser and upon request give to the purchaser a receipt therefor. This receipt need not be in any particular form, and may be an invoice which identifies the property sold, shows the sale price thereof and the amount of the tax.

The law provides that the tax required to be collected shall be deemed to be held in trust until paid to the department and shall be available for payment on the due date thereof, and that the tax shall not be absorbed by the retailer but shall be collected as a separate item

and that the retailer shall be personally liable for any tax which he fails to collect. (See WAC 458-20-178.)

((Revised May 1, 1949.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-222 (((RULE 222))) VETERINARIANS. Veterinarians are primarily engaged in the business of rendering professional services, although many veterinarians, in addition to such services, also sell medicines and supplies for use in the care of animals.

BUSINESS AND OCCUPATION TAX

Taxable under the Retailing classification upon gross sales of medicine and supplies ((when such)) when such articles are sold for a specific charge and not used by the veterinarian in the rendition of services.

Taxable under the Service and Other Business Activities classification upon gross income derived from the rendition of professional services and from the boarding and training of animals.

RETAIL SALES TAX

Veterinarians purchase medicines, bandages, splints and other supplies primarily for use by them in rendering professional services. Sales of such articles to veterinarians are retail sales and the retail sales tax applies thereto.

However, veterinarians are required to collect the retail sales tax when such articles are sold by them for a specific charge and not in connection with the rendition of a professional service.

Sales of semen for use in the artificial insemination of livestock are exempt from sales tax.

(See WAC 458-20-102 on Resale Certificates, particularly that portion under the heading Purchases for Dual Purpose.)
((Revised June 1, 1965.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-223 (((RULE 223))) PERSONS PERFORMING CONTRACTS ON THE BASIS OF TIME AND MATERIAL, OR COST-PLUS-FIXED-FEE.

BUSINESS AND OCCUPATION TAX

Such persons are subject to business tax in accordance with the principles laid down in the Department of Revenue's ((publishes)) published rules, as follows:

As to Manufacturing or Processing for Hire, WAC 458-20-136;

As to Constructing and Repairing of New or Existing Buildings, WAC 458-20-170;

As to Building or Improving of Publicly Owned Roads, etc., WAC 458-20-171;

As to contracts involving only the Grading and Clearing of Land, WAC 458-20-172;

As to Service and Other Business Activities, WAC 458-20-224.

The measure of the tax under each of the foregoing types of contracts is the amount of profit or fixed fee received, plus the amount of reimbursements or prepayments received on account of sales of materials and supplies, on account of labor costs, on account of taxes paid, on account of payments made to sub-contractors, and on account of all other costs and expenses incurred by the contractor, plus all payments made by his principal direct to a creditor of the contractor in payment of a liability incurred by the latter.

RETAIL SALES TAX

The retail sales tax applies upon sales made to or by contractors to the extent set forth in said WAC 458-20-136, 458-20-170, 458-20-171, 458-20-172 and 458-20-224.

((Revised April 1, 1959:))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-226 (((RULE -226))) LANDSCAPE GARDEN-ERS. The business of landscape gardening ordinarily includes one or more of the following activities: (a) The performance of contracts for grading, filling, leveling and planting of yards, lawns, and grounds. (b) The sale ((and)), rental, or planting of ornamental trees, plants, shrubs, etc. (c) The performance of contracts for the construction of structures, such as walks, pools, fences or trellises, rockeries and retaining walls. (d) The maintenance of lawns ((and)), plants, or gardens, including grass cutting, hedge trimming, watering, and the pruning of trees and shrubs.

BUSINESS AND OCCUPATION TAX

Landscape gardeners are taxable under the classification Retailing upon gross proceeds of sales of tangible personal property at retail and upon gross income from performing contracts of types (a), (b), and (c) for consumers. Landscape gardeners are taxable under the classification Wholesaling on gross proceeds of sales for resale and upon gross income from performing contracts of types (a), (b), and (c) for other contractors for resale. Such persons are taxable under the classification Service and Other Activities upon gross income from activities of type (d).

RETAIL SALES TAX AND USE TAX

Landscape gardeners must collect and report the retail sales tax upon the full contract price when performing contracts of types (a), (b), and (c) for consumers. Such persons must pay the retail sales tax to their vendors when purchasing tools, equipment and supplies which are not resold, either directly or as a component part of the finished work. The use tax must be paid upon the value of any such property purchased or acquired without payment of the Washington retail sales tax. Landscape gardeners may give resale certificates to their vendors and are not liable for payment of the retail sales tax upon purchases of plants, shrubs, seed, ornamental trees, fertilizer, peat moss, building materials and any other tangible personal property which is resold either directly or as a component part of the finished work in the course of performing contracts of types (a), (b), and (c) for consumers. Retail sales tax or use tax is due with respect to articles or products used by landscape gardeners in the course of performing contracts of type (d). ((Revised June 1, 1970.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-227 (((RULE 227))) COMMUNITY ((TELEVISION)) ANTENNA TELEVISION SERVICES. Persons furnishing community ((television)) antenna television (CATV) services operate a central television receiving station or antenna from which cables are run to individual locations. The cost of the service to the subscriber consists of a flat fee for installation plus a monthly charge for the maintenance of the service. Title to the cable extensions remains at all times in the person furnishing the reception service.

Persons engaging in this business are subject to the business tax under the classification Service and Other Activities upon the gross income of the business. "Gross income," in this instance, includes both the charge made for installation and the monthly rental or service fee. ((Revised July 1, 1952.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-229 (((RULE 229))) REFUNDS. If upon written application for a refund or an audit of his records, or upon examination of the returns or records of any taxpayer, it is determined by the Department of Revenue that within the ((two)) four calendar years immediately preceding the receipt by the department of such an application, or within the four calendar years immediately preceding the ((commencement)) completion by the department of such an examination, a tax has been paid in excess of that properly due, the excess amount paid within said period ((of two years)) will be credited to the taxpayer's account or will be refunded to him.

No refund or credit may be ((allowed with respect to any payments made to the department more than two years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said two year period, the amount of the refund credit which would otherwise be allowable for the portion of the statutory assessment period preceding the two year period may be offset against the amount of any tax deficiency which may be determined by the department for such statutory assessment period)) made for taxes paid more than four years prior to the beginning of the calendar year in which refund application is made or examination of records by the department is completed.

Notwithstanding the foregoing limitation, there will be refunded or credited to taxpayers engaged in the performance of United States

Government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund or credit is filed with the department within one year of the date that the amount of refund or credit due to the United States is finally determined, and such claim is filed with the department within four years of the date on which the tax was paid. No interest will be allowed on such refunds to said contractors.

All refunds are made by means of vouchers signed by the taxpayer and approved by the department pursuant to which there is issued to taxpayers state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment entered by a court of competent jurisdiction, not appealed from, for recovery of any tax, penalty and interest which were paid by the taxpayer, and costs, shall be paid in like manner, upon the filing with the department of a certified copy of the judgment.

Interest at the rate of 3% per annum will be allowed by the department and by any court on the amount of any refund allowed to a tax-payer for taxes, penalties or interest paid by him and interest at the same rate is allowed on any judgment recovered by a taxpayer for taxes, penalties or interest paid.

((Revised June 13, 1963.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-231 (((RULE-231))) TAX ON ((WHOLESAL-ING FUNCTIONS)) INTERNAL DISTRIBUTION. Persons engaged in the business of distributing in this state articles of tangible personal property owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, though no change in title or ownership to such property occurs, are taxable under the ((wholesaling functions)) internal distribution classification of the business and occupation tax on the value of the articles so distributed, the intent being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales. The internal distribution tax is applicable to transfers of merchandise from a central location which were preordered for a receiving retail outlet even if there is no inspection or opening of cartons or boxes at or by the central location. The tax is also applicable to transfers by a retail outlet to two or more other retail outlets which are under the same ownership.

WAREHOUSE OR OTHER CENTRAL LOCATION

The term "warehouse or other central location" generally means any facility regardless of the type of activity conducted there, which is operated in this state by a person who distributed tangible personal property from that facility to two or more of his own retail stores or outlets.

The said term includes any retail outlet irrespective of how the distributed goods may be inventoried or stored at such outlet. The term includes any facility, central distributing point, building, loading platform and adjacent areas operated by the taxpayer where articles of tangible personal property are received and from which they are distributed. Such facilities, distributing points, buildings, platforms and areas are included within the term regardless of how long such property may remain at such places and regardless of the nature of the activity performed at such places with respect to such property.

The said term also includes any manufacturing or processing facility operated by the taxpayer from which such distribution is made. The term does not include facilities operated by other persons at which team track deliveries are made into trucks for distribution to retail outlets nor does it include any individual trucks owned by the taxpayer from which deliveries are made at facilities or places not owned by the taxpayer to other trucks for distribution to retail outlets.

TWO OR MORE RETAIL STORES OR OUTLETS

The term "two or more of their own retail stores or outlets" means two or more retail stores operated within this state separate and apart from any "warehouse or other central location." The term does not include a retail store or retail outlet, a part of which is operated as warehouse from which distribution is made. However, a retail store or outlet will be counted as separate and apart, even though it may be located within the same premises or under the same roof as a warehouse

or central location, if it is operated separately, as evidenced for example by separate employee payrolls, accounting records, inventory control, or clearly defined work and retail sale areas. The term does not include delivery trucks or vans. The term "retail store or outlet" does not include vending machines or similar devices through which sales are activated by coin deposits. However, the term includes((, but is not limited to, automats or)) business establishments retailing diversified goods primarily through the use of such devices.

ARTICLES OF TANGIBLE PERSONAL PROPERTY

The term "articles of tangible personal property" means all commodities distributed from a warehouse or central location for sale, including particular articles which may be distributed to only one of two or more retail stores or outlets.

TAXABLE DISTRIBUTIONS

In cases where the taxpayer sells at both wholesale and retail, the ((wholesaling functions)) internal distribution tax will not be applicable with respect to articles distributed for sale at wholesale and upon the sale of which tax will be due under the classification Wholesaling—((All)) Other((s)). Further, the ((wholesaling functions)) internal distribution tax will not be applicable where the person liable for the tax can show by proper invoice, or by certification from his vendor that he has purchased such property from a wholesaler who has paid the business and occupation tax to the state upon the sale of such property to such person. The tax is applicable, however, to transfers of merchandise purchased from manufacturers in this state, as defined in RCW 82.04.110, even though the manufacturer may have paid business and occupation tax on the manufacture and sale of such merchandise. When transfers of all merchandise purchased from a particular vendor will be exempt from the ((wholesaling functions)) internal distribution tax under the conditions set forth above, certification by the vendor may be in blanket form covering all prior and subsequent transactions between the taxpayer and the certifying vendor. In such case, the certificate should be in substantially the following form:

CERTIFICATE OF VENDOR—((WHOLESALING FUNCTIONS)) INTERNAL DISTRIBUTION TAX

The undersigned vendor hereby certifies that he is registered with the Department of Revenue of the State of Washington under Certificate No. and that he has paid, or will pay, the applicable Business and Occupation Tax (chapter 82.04 RCW) upon all sales heretofore or hereafter made to The undersigned vendor further certifies that he is not a "manufacturer" in this state, as the term is defined in RCW 82.04.110, in respect to any of the commodities sold or to be sold to the above named purchaser. Date

Articles distributed from independent manufacturers or distributors directly to the taxpayer's retail customers are not taxable distributions by the taxpayer. ((However, property transferred from the taxpayer's own warehouse or central location directly to his retail customer pursuant to orders placed at a retail outlet of the taxpayer are taxable distributions if distribution of the property would have been subject to the tax had it been distributed from such warehouse or central location to the store at which the customer's order was taken.)) Articles distributed from independent manufacturers or distributors directly to the taxpayer's retail stores or outlets are not taxable distributions by the taxpayer. Only the first distribution of seasonal or other goods from a warehouse or central location is taxable, whether or not such goods were originally received in a retail store and later transferred to the warehouse or central location from which taxable distribution is later made.

DETERMINATION OF THE VALUE OF THE ARTICLES DISTRIBUTED

The value of articles distributed shall correspond as nearly as possible to gross proceeds of sales at wholesale in this state by other tax-payers of similar articles of like quality and character and in similar quantities. Taxpayers may determine the value of articles distributed by one of the following methods:

METHOD I. COST.

A. COST OF PRODUCTION. The value of articles distributed may be computed upon the basis of the cost of manufacturing or producing such articles. In such case there shall be included every item of cost attributable to the particular article or articles manufactured or produced, including cost of transportation to the local distribution point. In such event tax liability accrues during the period in which the articles are distributed.

B. PURCHASE PRICE. The value of articles distributed may be computed upon the basis of purchase price including delivery costs of such articles delivered at the local distribution point. The purchase price must include the amount of state and federal excise taxes imposed upon the distributor for the sale, handling or distribution of the articles distributed, whether such taxes are paid by the distributor to his vendor, or are paid by him directly to the taxing body. In such event tax liability accrues during the period in which the articles were purchased, even though the particular articles purchased may not be distributed until a later date. (Not available to those who manufacture or produce the articles distributed.)

METHOD 2. INVOICE PRICE TO RETAIL STORE. The value of articles distributed may be computed upon the basis of charges or memorandum invoices rendered to the retail stores at the time the articles are distributed, providing the amount of such charges or invoices is not less than the cost price of such articles. In computing the cost price, there must be included the amount of state and federal excise taxes imposed upon the distributor for the sale, handling or distribution of the articles distributed, whether such taxes are paid by the distributor to his vendor, or are paid by him directly to the taxing body. In such event tax liability accrues during the period in which the articles are distributed.

METHOD 3. RETAIL SELLING PRICE LESS 15%. The value of articles distributed may be computed upon the basis of the retail selling price less 15%. In such event tax liability accrues during the period in which the articles are sold at retail.

METHOD 4. CORRESPONDING WHOLESALE SALES. The value of articles distributed may be determined according to the gross proceeds of sales of similar articles of like quality, character and quantity where bona fide wholesale sales are made during the same period, either by the taxpayer or by others, and providing a general standard price is established for such articles during said period. In such event tax liability accrues during the period in which the articles are distributed.

A taxpayer may elect to report upon the basis of any one of the four above methods, providing that the method elected shall be applied to all articles distributed, and after such election is made such taxpayer shall not be permitted to change to any other method without securing the written consent of the Department of Revenue. A taxpayer may use both method 1A and 1B if conditions warrant. Intricate or unusual problems concerning determination of the value of articles distributed should be submitted to the department for special ruling.

The statute provides that the ((wholesaling functions)) internal distributions tax may not be assessed twice to the same person for the same article. In lieu of separate accounting for articles upon which the tax has or has not been paid, determination may be based upon the percentage formula computed according to a factual segregation of articles distributed for a test period of at least two representative months. Any such formula is subject to approval by the department.

((Revised April 1, 1959.))

AMENDATORY SECTION (Amending Order ET 73-1, filed 11/2/73)

WAC 458-20-232 (((RULE 232))) SALES OF INTOXICATING LIQUOR.

SALES OF INTOXICATING LIQUOR

Intoxicating liquor as covered by this rule means spirits, wine, beer and strong beer as those terms are defined in chapter 66.04 RCW.

BUSINESS AND OCCUPATION TAX

Persons selling intoxicating liquor to consumers by the drink, opened bottle or unopened bottle are subject to the business and occupation tax under the Retailing classification upon the gross proceeds of sales. No deduction is allowable for the special liquor sales taxes levied on these commodities.

Persons selling intoxicating liquor, mixers, ice, etc., for resale are subject to the business and occupation tax under the Wholesaling—Others classification upon the gross proceeds of sales.

LIQUOR AGENCIES. Persons operating liquor agencies on a commission basis are employees of the Washington State Liquor Control Board and are not subject to business and occupation tax on income from this activity.

SPECIAL LIQUOR SALES TAXES

These taxes are imposed by RCW 82.08.150 and are collected and administered by the Washington State Liquor Control Board.

GENERAL RETAIL SALES TAXES OF CHAPTER 82.08 RCW (STATE SALES TAX) AND CHAPTER 82.14 RCW (LOCAL SALES TAX)

Sales of wine and beer to consumers by the drink, opened bottle or unopened bottle, and sales of spirits by the drink, are subject to the retail sales taxes imposed by chapters 82.08 and 82.14 RCW. These taxes are also collectible by the Washington State Liquor Control Board and its agencies on sales of wine and beer. The measure of the tax is the gross selling price without deduction for special liquor sales taxes. Sales of spirits and strong beer in the original package by the Washington State Liquor Control Board and its agencies are not subject to these retail sales taxes. For sales tax collection instructions with respect to sales of alcoholic beverages by Class H licensees. Taverns, and the like, see WAC 458-20-119.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-234 (((RULE 234))) BUSINESS TAX ON FLOUR MILLERS, MANUFACTURERS OF SOYBEAN OR SUNFLOWER OIL. RCW 82.04.260(2) imposes business and occupation tax upon the manufacture of wheat into flour, soybean oil, or sunflower oil as follows:

"Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent."

This special classification for flour millers is limited strictly to those manufacturing "wheat into flour" and does not apply to the milling of any other type of grain; nor does it apply to the manufacture of any other product from wheat than flour. The term "flour" shall have its ordinary meaning and includes flours such as wheat, wholewheat, cracked wheat, entire wheat graham, bulgar, and rolled wheat ((shall not include)) but excluding such by-products as bran and shorts. Insofar as such other products are concerned, the tax under the general manufacturing classification (RCW 82.04.240) will apply.

Accordingly a miller milling wheat into flour will be taxable under Manufacturing Wheat Into Flour on the value of the flour manufactured and Manufacturing—Other on the value of the offal produced as a result of the milling process.

Persons making sales in this state of flour, soybean oil, or sunflower oil which they have manufactured are subject to business tax under either the Retailing or Wholesaling—All Others classification and are not subject to tax under the classification Manufacturing Wheat Into Flour. (RCW 82.04.440.)

((Revised January 1, 1960.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-236 (((RULE 236) BASEBALL CLUBS AND OTHER)) SPORT ORGANIZATIONS.

BUSINESS AND OCCUPATION TAX

((Baseball clubs and other)) Sport organizations (e.g., baseball clubs, football or basketball teams, soccer or hockey teams) are taxable under the classification of Service and Other Business Activities upon the ((total)) income derived from games ((for which such clubs are the sponsors or hosts, even though a fixed amount or a certain percentage of such income is paid to another team or club)) played in the state of Washington, irrespective of where the team's home location may be.

Conversely, amounts received by ((baseball clubs or other)) sport organizations as their share of the proceeds from games ((for which they are not the sponsor or host)) played outside the state may be excluded from the measure of tax.

Amounts which are so taxable include gross amounts received by individual sport organizations as a share of proceeds from sale by a

sport organization league of broadcasting or telecasting rights to national networks, from sale of broadcasting and telecasting rights to non-network radio and television stations and from advertising services over non-network radio and television stations.

The Retailing business and occupation tax applies to gross retail sales. Retail sales include but are not limited to sales of programs, pictures, clothing, souvenirs, refreshments, and the like as well as charges for automobile parking.

RETAIL SALES TAX

The seller must collect from the purchaser and remit the state and local sales taxes measured by gross selling price upon sales of tangible personal property to consumers, and also retail services, such as automobile parking.

A sport organization which is registered with the Department of Revenue may purchase articles of tangible personal property for purchase of resale without payment of sales taxes by tendering the vendor a resale certificate. See WAC 458-20-102.

USE TAX

The use tax is due upon the value of tangible personal property upon which the state and local sales taxes has not been paid when first use within this state occurs by a consumer. Thus, a sports organization is required to pay to suppliers the sales tax on such items as gate prizes, field and player equipment, trainer room supplies, etc. If such items are purchased without payment of the sales tax the use tax is due from the sports organization.

((Issued July 1, 1956.))

 $\frac{AMENDATORY\ SECTION}{5/29/70,\ effective\ 7/1/70)}\ (Amending\ Order\ ET\ 70-3,\ filed$

WAC 458-20-238 (((RULE 238))) SALES TO NONRESI-DENTS OF WATERCRAFT REQUIRING COAST GUARD REGISTRATION OR DOCUMENTATION. The term "Coast Guard registration," in addition to its ordinary meaning, will include registration numbering by the state of principal use when this function has been assumed by the state under the Federal Boating Act of 1958.

BUSINESS AND OCCUPATION TAX

In computing tax under the Retailing classification, no exemption or deduction is allowed by reason of the fact that watercraft requiring Coast Guard registration are sold to nonresidents for use outside this state.

RETAIL SALES TAX

Under RCW ((82.08.030(15))) 82.08.0266 an exemption from retail sales tax is allowed in respect to sales to nonresidents of this state for use outside of this state of watercraft requiring Coast Guard registration, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) the seller receives from the buyer an exemption certificate as hereafter provided, and examines acceptable proof that the buyer is a resident of a state or country other than the state of Washington. The exemption certificate should be in substantially the following form, one copy to be filed with the Department of Revenue with the regular excise tax return and a duplicate to be retained by the dealer as a part of his records.

EXEMPTION CERTIFICATE
I, (printed or typed name of purchaser), hereby certify: That I am a bona fide resident of the state of and my address is (street and number or route), (city, town or post office), (state). That on this date I have purchased from (dealer) the following described watercraft:
Make and Model Length How propelled: Inboard Outboard Horsepower
I further certify that this water craft will be registered or documented with the (Coast Guard or State of Principal Use), will not be used in the state of Washington for more than forty-five days and is exempt from Washington State Retail Sales Tax under RCW ((82.08.030(15))) 82.08.0266.
I hereby declare under penalty of perjury that the above statements

are true and correct to the best of my knowledge and belief.

Date Signature

CERTIFICATION OF DEALER

I hereby certify that I personally examined the following items of documentary evidence submitted by the above purchaser to establish his residence in the state of

((Draft Card))	
Payroll or W-2 Forms	
((Insurance Policies))	
Driver's License	
((Union Card	
Professional License))	
Fishing or Hunting License	
Voter's Registration Card	
((Copies of Conditional Sales Co	ontracts
Oil Co. or Dept. Store Credit Co	
Poll Tax or Property Tax Receip	
Copies of Income Tax Returns	•
((Club Card	
Rent or Utility Receipts))	
other Explain	
(-iture of	(Dealer's
(signature of dealer or	registration
	number with
representative)	Department
	of Revenue)
	of Revenue)
4141 - 200	
title-officer	
or agent	

The foregoing exemption is limited to sales of watercraft requiring Coast Guard registration or, where the state in which the boat will be principally used has assumed the registration and numbering function under the Federal Boating Act of 1958, to sales of watercraft which have been registered and numbered by such state of principal use. The exemption is ((not)) also available in respect to sales of vessels which are documented (registered, enrolled, or licensed) by the U.S. ((Bureau of Customs)) Coast Guard to and in a port other than in the state of Washington. This exemption is applicable only to the sale of watercraft in condition to be waterborne and not to unattached component parts, repair parts, repair labor, etc. The exemption is not applicable for sales to Canadian or other foreign country residents taking delivery in this state.

USE TAX

The use tax will be applicable to the use by a nonresident of watercraft registered with the Coast Guard or with the state of principal use when the watercraft was purchased from a Washington vendor and is first used within this state for more than forty-five days.

((Issued April 1, 1959.))

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458–20–239 (((RULE-239))) SALES TO NONRESIDENTS OF FARM MACHINERY OR IMPLEMENTS.

BUSINESS AND OCCUPATION TAX

In computing tax under the Retailing classification, no exemption or deduction is allowed by reason of the fact that farm machinery or implements are sold to nonresidents for use outside this state when delivery is made in this state.

RETAIL SALES TAX

Under RCW ((82.08.030(17))) 82.08.0268 an exemption from retail sales tax is allowed in respect to sales to nonresidents of this state of machinery and implements for use in conducting a farming activity outside this state, when such machinery and implements are transported outside the state immediately after sale. This exemption is allowed even though the goods sold are delivered to the purchaser in this state, but only where the seller receives from the buyer an exemption certificate as hereinafter provided and examines acceptable proof that the buyer is a resident of a state or country other than the State of Washington. The exemption certificate should be in substantially the following form and is to be retained by the seller as a part of his records. Each sale claimed exempt must be supported by a separately

executed certificate. Certificates for other or prior transactions or "blanket" certificates are not acceptable.

EXEMPTION CERTIFICATE

I, (printed or typed name of purchaser) hereby certify: I hat	. І
am a bona fide resident of the state of and my address	is
(street and number or box and route), (city, town or	_
post office) , (state) . That on (date) I purchased fro	m
(seller) the following machinery or implements:	
(name or description) (brand) (model) That the	he
machinery or implements named above are purchased for my use	in
conducting a farming activity at (address), and the date	of
transporting the same outside the state of Washington	is
(month, day and year)	
(date) (signature of purchaser)	
OPPRINCATION OF DEALER	

CERTIFICATION OF DEALER

I hereby certify that I personally examined the following items of documentary evidence submitted by the above purchaser which show his residence to be the state of

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residence to be the state of .....:
((... Draft Card))
... Payroll or W-2 Forms
((...Insurance Policies))
 .. Driver's License
((... Union Card
...Professional License))
... Fishing or Hunting License
... Voter's Registration Card
 .. Copies of Conditional Sales Contracts
((... Oil Co. or Dept. Store Credit Card
   Poll Tax or Property Tax Receipts))
  . Copies of Income Tax Returns
(( ... Club Card
... Rent or Utility Receipts))
......
         (signature of
                                          (Dealer's
                                          registration
           dealer or
                                          number with
         representative)
                                          Department
                                          of Revenue)
          title-officer
           or agent
  ((Effective June 8, 1961:))
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AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-240 (((RULE 240))) MANUFACTURING, TAX CREDITS. GENERAL RULE. RCW 82.04.435 provides for a credit against the business and occupation tax otherwise payable by qualified manufacturers as a result of tax actually paid under chapter 82.08 RCW (Retail Sales Tax) or chapter 82.12 RCW (Use Tax) on materials, labor and services in the construction of new buildings or the enlarging of existing buildings directly used in such manufacturing activities. In general, the credit is extended to those persons whose activities are defined in RCW 82.04.120 (the definition of the term "to manufacture") with respect to retail sales tax or use tax paid by such persons, their lessors or their contract vendors, on materials, labor and services in connection with such construction or enlarging. The following general principles will apply.

LIMITATIONS:

1. By statutory restriction this credit is available only to "persons engaging in activities defined in RCW 82.04.120" (the definition of the term "to manufacture"), which will include only those persons whose business activities falling within the purview of the business and occupation tax occur under RCW 82.04.240 Tax on Manufacturers, RCW 82.04.260(2) Flour and oil Manufacturers, (3) Seafood Products Manufacturers, (4) Manufacturing Fruit and Vegetables, (5) Manufacturing Aluminum, and RCW 82.04.280 Printing and Publishing, and including manufacturing activities which might be reported for tax under RCW 82.04.250 (Retailing) or RCW 82.04.270 (Wholesaling) according to the provisions of RCW 82.04.440. As to persons taxable under RCW 82.04.260(8) (slaughtering, breaking and/or processing

perishable meat products and/or selling the same at wholesale) the credit will be allowable only as to tax paid on the construction of new buildings or the enlarging of existing buildings directly used in those of the listed activities which constitute "manufacturing" as defined in RCW 82.04.120 and not with respect to tax paid on buildings, or portions of buildings used in the storage, handling or marketing of unprocessed fresh perishable meat products.

2. Credits will not be allowable until an application therefor has been filed with and approved by the Department of Revenue. Such application must be made within two years of the date of payment of the

taxes giving rise to such credits.

- 3. Credits are allowable only in respect to tax paid on the construction of new buildings or the enlargement of existing buildings (as hereinafter defined) directly used in manufacturing activities. Where a building is used partly for manufacturing and partly for purposes which do not qualify for credit under this rule, the applicable tax credit shall be determined by apportionment according to the rate which the construction cost per square foot of that portion of the building directly used for manufacturing purposes bears to the construction cost per square foot of the total building.
- 4. The terms "manufacturer" and "manufacturing" are to be narrowly construed and the credit is not allowable in respect to buildings utilized for such nonmanufacturing activities as extracting, marketing, parking and transportation, nor to office and storage facilities except as specifically provided herein.
- 5. Credits are allowable only in respect to tax paid on the construction of new or enlarged buildings, not on the repair or renovation of existing buildings.
- 6. Credits may be taken only against tax payable which is attributable to manufacturing activities conducted in the particular factory, mill or manufacturing plant in which such buildings are located. Thus, the credit may not be taken against business and occupation tax liability occurring as the result of manufacturing activities conducted at a separate plant nor against the tax due on any nonmanufacturing activities.
- 7. No credit will be allowable for tax paid on purchases of labor, material or services on which the supplier becomes entitled to compensation after January 1, 1971, except that with respect to purchases made pursuant to any contract entered into prior to January 1, 1971, credit will be allowed in respect to tax paid on such purchases prior to July 1, 1972; further, as to the construction of buildings used directly in the manufacture of metals, the credit will include taxes paid on all purchases for construction which was in progress on January 1, 1971 and was completed after that date.

DEFINITIONS:

- 1. The term "contract vendor" shall mean only those persons who will convey by a contract of sale buildings, as defined herein, to a manufacturer to be used as a new manufacturing facility. The term will not include contractors who may be engaged by manufacturers for the purpose of the construction of structures, nor will it include vendors who will supply tangible personal property under contract to a manufacturer. The term will not include vendors of buildings which have been previously used for any purpose.
- 2. The term "lessors" shall mean only those persons who will rent or lease buildings, as herein defined, to a manufacturer to be used as a new manufacturing facility. The term will not include lessors of tangible personal property to manufacturers nor will it include lessors of manufacturing buildings which have previously been used for any purpose.
- 3. The term "manufacturer" shall include only those persons operating a manufacturing plant whose activities are described under the provisions of RCW 82.04.120 "to manufacture" and as further defined under the subheading "Definitions" of the Department of Revenue's published WAC 458-20-136, Manufacturing, Processing for Hire, Fabricating.
- 4. The term "buildings" means and includes only those structures used to house or shelter manufacturing activities, including the usual lighting, heating, and sanitary plumbing facilities. The term does not include any construction performed outside the exterior walls of the building such as landscaping, walks and driveways, parking areas, septic tanks and drain fields, water, electrical or sewer lines and the like. The term does include plant offices and facilities for the storage of raw materials or finished goods when such facilities are essential to and an integral part of the factory, mill or manufacturing plant in which they are located. The term includes potlines and furnaces used directly in

the manufacture of metals, but does not include any other manufacturing or industrial fixtures or equipment such as tanks, conveyor systems, cranes, industrial machinery and related facilities irrespective of whether or not such facilities or equipment are affixed to the realty.

CHANGES IN OWNERSHIP. In general, a tax credit may be taken only by the person who has paid the retail sales tax or use tax, or whose lessors or contract vendors have paid the tax, and the credit may not be transferred or sold to a successor as defined in RCW 82.04.180. However, when the control of and beneficial interest in the subject matter of the transfer of assets remains in the same individuals or entity after completion, and the transfer of assets is deemed exempt from retail sales tax or use tax according to the principles set forth in WAC 458-20-106, any portion of the tax credit remaining unused may be utilized by the surviving entity under the limitations otherwise provided by the law.

DETERMINING ALLOWABLE CREDITS. Prior to taking any deduction under the business and occupation tax on a regular return filed, the amount of the sales tax or use tax paid on the constructing or enlarging of buildings directly used in performing manufacturing activities is to be established and approved by the Department of Revenue so that the appropriate credit can be established on the manufacturer's account, against which subsequent deductions will apply. In no event may a tax credit be deducted until the retail sales tax has been paid. In the case of a complex project where an advisory ruling is desired, application for a tentative determination by the Department of Revenue as to the eligibility of the project for credit may be made in letter form at any time. Application for tax credit shall be made by letter describing the project, setting forth all pertinent facts including the following: name of contractor or material vendor, nature and location of work performed or materials supplied, date of invoice, date of payment, amount of invoice exclusive of sales tax and amount of tax paid. Tentative authorization must be secured from the department before deductions or offsets against the business and occupation tax will be allowed. Upon such authorization, special reporting forms will be supplied the taxpayer for purposes of deducting and reconciling the tax credit.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-241 RADIO AND TELEVISION BROAD-CASTING. For the purpose of this rule:

"Broadcast" or "broadcasting" includes both radio and television commercial broadcasting stations unless it clearly appears from the context to refer only to radio or television.

"Local advertising" means all broadcast advertising other than national, network, or regional advertising as herein defined.

"National advertising" means broadcast advertising paid for by sponsors which supply goods or services on a national or international basis and which advertising is billed to an advertising agency office, national representative, or sponsor located outside the state of Washington.

"Network advertising" means broadcast advertising originated by national or regional broadcast networks from outside the state of Washington, the broadcast advertising being supplied by national or regional network broadcasting companies.

"Regional advertising" means broadcast advertising paid for by sponsors which supply goods or services on a regional basis over two or more states and which advertising is billed to an advertising agency office, regional representative, or sponsor located outside the state of Washington.

BUSINESS AND OCCUPATION TAX

RADIO AND TELEVISION BROADCASTING. Taxable ((or)) on gross income from the sale of radio or television advertising, and any other gross income from broadcasting, ((including)) excluding sales to other broadcasters of the right to broadcast material on processed film, sound recorded magnetic tape, and other transcriptions (see ((retail sales tax)) service and other activities).

DEDUCTIONS FROM GROSS INCOME FROM ADVERTISING:

1. AGENCY FEES. It is a general trade practice in the broadcasting industry to make allowances to advertising agencies in the form of the deduction or exclusion of a certain percentage of the gross charge made for advertising ordered by the agency for the advertiser. This allowance will be deductible as a discount in the computation of the broadcaster's tax liability in the event that the allowance is shown as a

discount or price reduction in the billing or that the billing is on a net basis, i.e., less the discount.

2. GROSS RECEIPTS FROM NATIONAL, NETWORK, AND REGIONAL ADVERTISING. The taxpayer may deduct either actual gross receipts from national, network, and regional advertising as herein defined, as included in the gross amount reported under Radio and Television Broadcasting, or may take a "standard deduction" as provided by RCW 82.04.280, as amended by chapter 149, Laws of 1967 ex. sess., which will be a percentage arrived at annually for all broadcast stations in the state of Washington which use the standard deduction method. This percentage will be determined by dividing the total broadcast advertising receipts in the nation from network, national, and regional advertising (((as annually announced by the Federal Communications Commission))) by the total broadcast advertising receipts in the nation (((as annually announced by the Federal Communications Commission))).

This standard deduction will be based on the most current figures published ((by the Federal Communications Commission)) at the beginning of the calendar year and shall be used throughout that calendar year notwithstanding the publishing of the following year's figures within that calendar year. Previously the Federal Communications Commission published the figures used to compute the standard deduction. The Federal Communications Commission no longer publishes these figures and henceforth it will be the responsibility of the industry to annually provide these figures to the department of revenue. The figures used will be subject to verification by the department.

Example of computation:

The standard deduction for persons engaged in radio and television broadcasting ((is)) was 64% for the calendar year 1970. The deduction ((is)) was computed ((from 1968 F.C.C. figures, which are the most recent available)) as follows:

1. Total radio advertising receipts 1968	\$1,076,300,000
2. Total television advertising receipts 1968	2,087,600,000
3. Total broadcast advertising receipts	3,163,900,000
4. Total national, network, regional advertising receipts, radio, 1968	379,200,000
5. Total national, network, regional advertising receipts, television, 1968	1,635,100,000
 Total broadcast advertising receipts from national, network, and regional advertis- ing 	2,014,300,000
•	

3. INTERSTATE BUSINESS, ALLOCATION. It is recognized that radio and television broadcasting is an interstate business and that under the Constitution of the United States a tax is prohibited upon so much of the revenue of a radio or television broadcasting station as is derived from the service of broadcasting to persons in other states or foreign countries. Accordingly, revenues from local advertising shall be allocated to remove from the tax base the gross income from advertising which is intended to reach potential customers of the advertiser who are located outside the state of Washington.

7. Standard deduction for 1970 will be the

quotient of line 6 divided by line 3 or

It will be presumed that the entire gross income of radio and television stations located within the state of Washington from local advertising as herein defined is subject to tax unless and until the taxpayer submits proof to the department of revenue that some portion of such income is exempt according to the principles set forth herein and until a specific allocation formula has been approved by the department.

METHOD OF ALLOCATION. When the total daytime listening area of a radio or television station extends beyond the boundaries of the state of Washington, the allowable deduction is that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 microvolt signal strength and delivery by wire, if any. The out-of-state audience may therefore be determined by delivery "over the air" and by community antenna television systems. However, community antenna television audiences may not be claimed by a station in the same area in which it claims an audience served over the air, thus eliminating a claim for double exemption.

The most current ((U.S.)) United States and Canadian census figures will be used to determine the in-state and out-of-state audience.

An engineer holding at least a first class operator's license from the Federal Communications Commission must compute the 100 microvolt contour for the station claiming the exemption. The 100 microvolt contour will be applicable to all broadcasting stations, whether standard (AM), frequency modulation (FM), or television (TV), and the applicable contour will be the daytime ground-wave contour. The computation must be submitted to the department of revenue in map form, showing the scale used in miles, with the contour drawn on the map and the counties or cities within the contour indicated. The map must be certified as being correct by the personal signature of the engineer making the computation. The type of license held by the engineer should be indicated. The map must have attached to it the population covered both within and without the state according to the applicable ((U.S.)) United States and Canadian census.

In the event that cable antenna television subscribers are claimed as part of the out-of-state audience, the name of the systems, the location, and the number of subscribers must also be attached to the map. The number of subscribers will be multiplied by a factor of 3, representing the average size household family.

The foregoing exhibits must be forwarded to the Department of Revenue, Olympia, Washington ((98501)) 98504, and must be approved by the department before any deduction is allowable.

SERVICE AND OTHER ACTIVITIES. Taxable on gross income from personal or professional services ((which are not included within the definition of the term "sale at retail" in RCW 82.04.050)), including gross income from producing and making custom commercials or special programs, fees for providing writers, directors, artists and technicians, ((as well as)) charges for the granting of a license to use facilities (as distinct from the leasing or renting of tangible personal property, see WAC 458-20-211), and charges to other broadcasters for the mere right to broadcast material on processed film, sound recorded magnetic tape, and other transcriptions when the material is returned to the original broadcaster.

RETAILING OR WHOLESALING. Taxable on gross proceeds of sales of tangible personal property ((or of services included within the definition of "sale at retail" in RCW 82.04.050. (See subheading retail sales tax.))), including gross proceeds from sales of films and tape produced for general distribution and from sales of copies of commercials, programs, films, etc., even though the original was not subjected to sales tax. The sale of custom-made programs, commercials, films, etc., is not taxable under this classification. (See subheading SERVICE AND OTHER ACTIVITIES above.)

MANUFACTURING. Taxable on the cost to produce special programs, such as public affairs, religious, travelogues, and other general programming, which are vended to other broadcasters under a lease or contract granting a mere license to use. This tax does not apply to a recording made for the broadcaster's own use, including news, delayed programs, commercials and promotions, special and syndicated programming, and "entire day" programming.

RETAIL SALES TAX. Sales to broadcasters of equipment, sup-

plies and materials for use and not for resale ((without intervening use)) are subject to the retail sales tax. This includes sales of raw or unprocessed film or magnetic tape and other transcription material as well as processed film, recorded magnetic tape or other transcriptions unless vended under a lease or contract granting a mere license to use.

If the tapes, films, etc., upon which the sales tax has been paid are later sold by the broadcaster in the regular course of business, the provisions of WAC 458-20-102 concerning purchases for dual purposes will apply.

Sales to broadcasters of the right to broadcast the material on processed film, sound recorded magnetic tape, and other transcriptions under a right or license granted by lease or contract are not retail sales and the retail sales tax is not applicable.

The broadcaster must collect retail sales tax on sales of packaged films, programs, etc., produced for general distribution, including training and industrial films, and also on sales of copies of films, commercials, programs, etc., even though the original was not subjected to sales tax

USE TAX. Acquisition or exercise of the right to broadcast processed film, recorded magnetic tape or other transcriptions under a right or license granted by lease or contract is not the use of tangible personable property by the broadcaster and the use tax is not applicable.

Broadcasters of radio and television programs are subject to use tax on the value of articles manufactured or produced by them for their own use (excluding custom produced commercials or special programs which includes, but is not necessarily limited to, recordings of news,

delayed programs, commercials and promotions, special and syndicated programming, and "entire day" programming) and on the use of tangible personal property purchased or acquired under conditions whereby the retail sales tax has not been paid. The broadcaster is liable for use tax ((is applicable to)) on the value (cost of production) of processed film, sound recorded magnetic tape, and other transcriptions when the ((taxpayer)) broadcaster vends merely the right to broadcast such material under a right or license granted by lease or contract.

((Revised June 1, 1970.))

Effective September 1, 1982.

AMENDATORY SECTION (Amending Order ET 77-1, filed 12/8/77)

WAC 458-20-242A (((RULE 242—PART A))) POLLUTION CONTROL EXEMPTION AND/OR CREDITS FOR SINGLE PURPOSE FACILITIES ADDED TO EXISTING PRODUCTION PLANTS TO MEET POLLUTION CONTROL REQUIREMENTS AND WHICH ARE SEPARATELY IDENTIFIABLE EQUIPMENT PRINCIPALLY FOR POLLUTION CONTROL. RULE 242 deals with pollution control facilities and is published in two parts:

- Part A. Single purpose facilities added to existing production plants as separately identifiable equipment principally for pollution control and which are not designed for production of products other than recovered products which but for the facility would be released as pollutants.
- Part B. Dual purpose facilities which consist of new plant equipment which achieves pollution control in the process of production of the plant's products rather than through the add on of a pollution device to existing plant equipment at some point in processing or upon completion of processing.

DEFINITION OF TERMS

For purposes of this rule:

- 1. "Facility" shall mean an "air pollution control facility" or a "water pollution control facility" as herein defined:
- a. "Air pollution control facility" includes any treatment works, control devices and disposal systems, machinery, equipment, structures, property or any part or accessories thereof, installed or acquired for the primary purpose of reducing, controlling or disposing of industrial waste which if released to the outdoor atmosphere could cause air pollution. "Air pollution control facility" shall not mean any motor vehicle air pollution control devices used to control the emission of air contaminants from any motor vehicle.
- b. "Water pollution control facility" includes any treatment works, control device or disposal system, machinery, equipment, structures, property or any accessories thereof installed or acquired for the primary purpose of reducing, controlling or disposing of sewage and industrial waste, which if released to a water course could cause water pollution; provided, that the word "facility" shall not be construed to include any control device, machinery, equipment, structure, disposal system or other property installed or constructed for a municipal corporation or for the primary purpose of connecting any commercial establishment with the waste collecting facilities of public or privately owned utilities.
- c. For purposes of this exemption or credit, the terms "commercial establishment" and "other commercial establishment" do not include contractors or their suppliers who install pollution control equipment in facilities of and for another person.
- 2. For the purpose of tax credit or exemption, "cost" shall be limited to capital expenditures directly related to the acquisition and installation of the control facility as described in the application. For the purposes of this definition, capital expenditures may include engineering, architecture, legal fees, overhead and other costs which may be directly attributed to the control facility.
- 3. "Net commercial value of recovered products" shall mean the value of recovered products less the costs incurred in processing, including overhead costs, and costs attributable to their sale, or other disposition for value. The term shall not include a deduction for the cost or the depreciation of the facility.
- 4. "Certificate" shall mean a pollution control tax exemption and credit certificate for which application has been timely made.

5. "Appropriate control agency" shall mean the state department of ecology; or the operating local or regional air pollution control agency within whose jurisdiction a facility is or will be located

within whose jurisdiction a facility is or will be located.

6. For the purposes of this rule "depreciation" shall be determined by the straight line method. That is, the cost of the facility, less the salvage or residual value, divided by months of useful life yields the amount by which the facility is depreciated monthly. In computing depreciation for purposes of obtaining a certificate, depreciation shall be computed through the last full month prior to the month in which the application for certificate is filed.

7. "Department" shall mean the Washington State Department of Revenue.

FILING APPLICATION AND ISSUANCE OF CERTIFICATES

An application for a certificate will be made available by the department to cover the following conditions:

- 1. Existing facilities, to provide the basis for a tax credit and for sales tax paid.
 - 2. Proposed facilities
- a. to provide the basis for a tax exemption on the purchase of material and equipment;

b. to provide the basis for a tax credit.

The application must show the cost of the facility, specifically stating costs of materials and equipment incorporated into it. When the certificate is for the purposes referred to in "2" above, estimated costs must be shown. The certificate issued on an application based on estimated costs will not permit the holder to claim the credit referred to in "2b" above until an application showing actual costs has been filed and a supplement to the certificate issued.

Applications showing actual costs must also show the total depreciation which is applicable to the facility to the date of the application, the net commercial value of all materials recovered or captured by the facility during the entire period of operation prior to the date of application, and the amount of Federal tax credit taken on federal tax returns filed prior to the date of application.

If, subsequent to the issuance of a certificate for a facility, a determination is made to modify or replace such facility, the certificate holder may file an application for a new or a supplemental certificate covering the modification or replacement following the same procedures provided for making application for original certificate. After the issuance by the department of any new certificate or supplement, all subsequent tax exemption and credits for the modified replacement facility shall be based thereon.

The application will be submitted to the department which will forward it to the appropriate control agency within ten days of its receipt from the applicant. The determination that a facility is designed and operated or is intended to be operated primarily for the control, capture and removal of pollutants from the air, or for the control and reduction of water pollution, and that the facility is suitable and reasonably adequate, and meets the intent and purposes of chapter 70-.94 RCW (air pollution) or chapter 90.48 RCW (water pollution) will be made by the appropriate control agency. The control agency will notify the department of its findings within thirty days of the date the application was received for approval. The department will make the final determination of cost.

In making a determination, the appropriate control agency will afford to the applicant an opportunity for a hearing. If the local or regional air pollution control agency fails to act or if the applicant feels aggrieved by the action of the local board, the applicant may appeal to the department of ecology pursuant to rules and regulations established by that department.

Upon notification of the action taken by the control agency the department will issue a certificate or notice of denial within thirty days of the receipt of the application from the control agency. The department will send a certificate or supplement, when issued, by certified mail. Notice of refusal to issue a certificate will likewise be sent by certified mail

TIME LIMITATIONS. Application must be made no later than December 31, 1969, except that with respect solely to a facility required to be installed in an industrial, manufacturing, waste disposal, utility, or other commercial establishment which is in operation or under construction as of July 30, 1967, such application will be deemed timely if made within one year after the effective date of specific requirements for such facility promulgated by the appropriate control agency; whether or not the determination is made before or after the limitation date of December 31, 1969. The "effective date of specific

requirements" refers to the compliance order's date for completion of

engineering.

REVOCATION OF CERTIFICATE. The department may revoke an issued certificate upon subsequent discovery that it was improperly issued for reason of illegality, fraud, mistake, or the ineligibility of the applicant.

UTILIZATION OF EXEMPTION AND CREDIT

SALES TAX EXEMPTION. The original acquisition of a facility, or the modification (meaning a substantial improvement resulting from added capacity in the removal of pollutants from the air or water) of an existing facility by the holder of a certificate shall be exempt from sales tax imposed by chapter 82.08 RCW and use tax subsequent to the effective date of the certificate. For applications filed subsequent to January 1, 1975 certificate holders shall receive credit for sales and use tax paid on acquisition of the facility prior to receiving certification. This exemption does not extend to servicing, maintenance, repairs or replacement parts after a facility is complete and placed in service.

Subsequent to July 30, 1967, a certificate holder may elect to pay sales or use tax on the acquisition and installation of a control facility and, subsequently, take a credit against future liability under business and occupation, use, or public utility tax to the extent of the foregoing exemption, except that a person so electing may not take any further manufacturing tax credit as provided in RCW 82.04.435 on the same

facility

BUSINESS AND OCCUPATION, USE, OR PUBLIC UTILITY TAX CREDIT. With respect to a facility which has been placed in operation and for which a certificate has been issued, a tax credit not exceeding 2 percent of the cost of a new facility or of the depreciated cost of an existing facility may be taken for each year the certificate is in force. Such credit may be claimed against business and occupation, use, or public utility tax liability; however, it shall not exceed 50 percent of the tax liability for any reporting period for which it is claimed nor shall the cumulative amount of credit allowed for any facility exceed 50 percent of the cost of the facility.

CREDITS TO BE REDUCED. Credits claimed will be reduced by the net commercial value of materials captured or recovered by the pollution control facility. The value of such material shall first reduce the credit available in the current reporting period and then be applied against the cumulative credit balance which has been established but which may not be currently available to the certificate holder. Applicants and certificate holders shall provide the department with information required to establish the net commercial value of recovered or captured material and will be required to make books and records available to the department to verify the correctness of information furnished. The cumulative credit will also be reduced by the amount of Federal investment tax credit or other Federal tax credits allowed to the certificate holder which are applicable to the facility. The Federal tax credits shall be taken as an offset against a pollution control tax credit claimed in the first reporting period following the date of filing the tax return on which the Federal tax credit was taken, and thereafter as an offset against a credit hereunder as it becomes available to the certificate holder. The applicant shall advise the department of adjustments to the Federal tax credits, either increase or decrease, resulting from either an audit by the Internal Revenue Service, or otherwise. Adjustments to the credit allowable under this rule will be made by the department accordingly.

The department will issue instructions and forms to the certificate holder covering the accounting for the credit for which the certificate holder is eligible. Where a certificate holder is also eligible for manufacturing tax credit, the department may issue special instructions covering the separate accounting for the tax credits.

Credit will be allowable only in any period in which a certificate is in force.

((Issued October 30, 1967.))

AMENDATORY SECTION (Amending Order ET 71-2, filed 10/27/71)

WAC 458-20-243 (((RULE 243))) LITTER TAX. ((Section 12; chapter 307, Laws of 1971 1st ex. sess.,)) RCW 70.93.120 levies an annual litter assessment upon manufacturers, wholesalers, and retailers of certain products. The rate of this special tax is .00015 (.015%) and it applies to sales within this state made on and after May 21, 1971.

The tax is to be computed on and paid with the last return for the calendar year. A designated space on this return ((designated as line 34-A)) is to be used for reporting the litter tax.

The measure of the tax is the gross proceeds of the sales of the business and will apply to places of business on sales of products falling into the thirteen categories listed in ((section 13 of the law)) RCW 70.93.130 which are defined as follows:

- 1. Food for human or pet consumption means any substance, except drugs, the chief general use of which is for human or pet nourishment, including candy, chewing gum, and condiments. It includes sales of meals, snacks, lunches, or other food by restaurants, drive-ins, snack bars, concessions, and taverns. Drugs means substances or products appearing in the latest listing of U.S. Pharmacopoeia or National Formulary the chief general use of which is as medicine for treating disease, healing, or relieving pain, but excluding devices, apparatus, instruments, prostheses and the like.
- 2. Groceries means all products, except drugs, sold by persons in a place of business selling food for off premises consumption, but excluding building materials, clothing, furniture, and appliances.
- 3. Cigarettes and tobacco products include all of the products subject to the excise taxes of chapters 82.24 and 82.26 RCW.
- 4. Soft drinks and carbonated waters means all beverages, excluding liquor as defined by Title 66 RCW or rules and regulations of the Washington State Liquor Control Board, but including fruit juices, milk, and all mixtures or dilutions of nonalcoholic beverages.
- 5. Beer and other malt beverages means all beverages defined as beer or malt liquor by Title 66 RCW or rules and regulations of the Washington State Liquor Control Board.
- 6. Wine means all alcoholic beverages defined as wine in Title 66 RCW or rules and regulations of the Washington State Liquor Control Board.
- 7. Newspapers and magazines means all daily and periodical publications.
- 8. Household paper and paper products means materials or substances made into sheets or leaves from natural organic or synthetic fibrous material for home or other personal use. It includes also products or articles made from such sheets or leaves for home or other personal use.
- 9. Glass containers means articles made wholly or in substantial part of processed silicates which can be, or are, used to hold other things within themselves
- 10. Metal containers means articles made wholly or in substantial part of materials such as iron, steel, tin, aluminum, copper, zinc, lead, silver and any alloys thereof and which can be, or are, used to hold other things within themselves.
- 11. Plastic or fiber containers made of synthetic material means articles which can be, or are, used to hold other things within themselves and which are made of synthetically produced ethylene derivatives, resins, waxes, adhesives, or polymers or by synthesis of fiber materials with adhesives, polymers, waxes, resins, or other materials. It includes containers made of paper, pasteboard, or cardboard in which the container materials consists of fibrous substances synthesized with other materials. Synthetic material means that produced by synthesis which is the process of making or building up by a composition or union of simpler parts or elements as distinguished from the process of extraction or refinement.
- 12. Cleaning agents means all soaps, detergents, solvents, or other cleansing substances used for cleaning buildings, places, persons, animals, or other things.

Toiletries means all substances such as soap, powder, cologne, perfume, cosmetics, toothpaste, etc., used in connection with personal dressing or grooming.

13. Nondrug drugstore sundry products means all products, goods, or articles, except drugs, sold by persons in a place of business selling drugs, but excluding building materials, clothing, furniture, and appliances.

"Place of business" for purposes of this rule means any location, department, or division even though it be a part of a larger business operation provided it is separate from such other or additional business physically, operationally, and in its books and records. Thus, a department store which consists of a grocery department and a clothing expartment, each with its own space and having separate employees, cash registers, and accounting records would not be subject to the groceries litter tax on the sales of its clothing department merely because it was located in the same building and under the same ownership as the grocery department.

"Gross proceeds of the sales of the business" means the value proceeding or accruing from the sale of tangible personal property and/or for services rendered without any deduction for costs or expenses. In the case of publishers of newspapers and magazines the measure of the

litter tax is the same as specified in WAC 458-20-143 for business and occupation tax; i.e., gross income from the publishing business including advertising income.

The law intends that the tax be limited to sales within this state and therefore there may be deducted from the measure of the tax sales to persons in other states or transfers to points outside the state without sale. Out of state firms making sales in or into Washington will be subject to the litter tax under the principles set out for business and occupation tax in WAC 458-20-193B.

Persons operating drugstores may report and pay the litter tax measured by 50% of total sales in lieu of separately accounting for sales of drugstore sundry products. Persons operating grocery stores may report and pay the litter tax measured by 95% of total sales in lieu of separately accounting for grocery and nongrocery products sold.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-177 (((RULE 177))) SALES OF MOTOR VEHICLES, CAMPERS, AND TRAILERS TO NONRESIDENTS((; AND TO RESIDENTS TAKING DELIVERY OUTSIDE THIS STATE)). The scope of this rule is limited to sales by dealers in this state of motor vehicles, campers, and trailers to((:

+.)) nonresidents of the state for use outside the state((;

2. Residents of this state for use in this state but who take delivery outside this state)).

For the purposes of this rule, members of the armed services (but not including civilian military employees) who are temporarily stationed in the State of Washington pursuant to military orders will be presumed to be nonresidents unless such persons were residents of this state at the time of their induction; the term "vehicle" as used herein refers to motor vehicles, campers, and trailers.

BUSINESS AND OCCUPATION TAX

In computing the tax liability of persons engaged in the business of selling ((motor)) vehicles ((and trailers)) no deduction is allowed by reason of sales made to nonresidents for use outside this state but who take delivery in Washington, and irrespective of the fact that such buyers may be entitled to a statutory exemption from the retail sales tax.

A deduction from gross proceeds of sales will be allowed when, as a necessary incident of the contract of sale, the seller agrees to, and does, deliver the vehicle to the buyer at a point outside the state, or delivers the same to a common carrier consigned to the purchaser outside the state.

The foregoing deduction, however, will be allowed only when the seller has secured and retains in his files satisfactory proof:

a. That under the terms of the sales agreement the seller was required to deliver the vehicle to the buyer at a point outside this state; and

b. That such out-of-state delivery was actually made by the seller or by a common carrier acting as his agent.

For forms of proof acceptable to the Department of Revenue see below under Retail Sales Tax-Out-of-State Delivery. For "interstate commerce" deductions, generally, refer to WAC ((458-20-193)) 458-20-193A.

RETAIL SALES TAX

1. SALES TO NONRESIDENTS. Under RCW ((82.08.030(13))) 82.08.0264 the retail sales tax does not apply to sales of ((motor)) vehicles ((and trailers)) to nonresidents of Washington for use outside this state, ((and)) even though delivery be made within this state, but only when either one of the following conditions is met:

a. Said ((motor)) vehicle ((or trailer)) will be taken from the point of delivery in this state directly to a point outside this state under the authority of a ((one-transit)) trip permit issued by the Department of ((Motor Vehicles)) Licenses pursuant to the provisions of RCW ((46-

.16.100)) 46.16.160; or

b. Said ((motor)) vehicle ((or trailer)) will be registered and licensed immediately (at the time of delivery) under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state.

Thus, in determining whether or not this particular exemption from the retail sales tax is applicable the dealer must establish the facts, first, that the purchaser is a bona fide nonresident of Washington and that the vehicle is for use ((in the)) outside this state ((of the purchaser's residence)) and, second, that the vehicle is to be driven from his premises under the authority of either (a) a ((one-transit)) trip permit, or (b) valid license plates issued to that vehicle by the state of the purchaser's residence, with such plates actually affixed to the vehicle at the time of final delivery.

As evidence of the exempt nature of the sales transaction the seller, at the time of sale, is required to take an affidavit from the buyer giving his name, the state of his residence, his address in that state, the name, year and motor or serial number of the vehicle purchased, the date of sale, his declaration that the described vehicle is being purchased for use ((in the state of his residence)) outside this state and, finally, that the vehicle will be driven from the premises of the dealer ((to the state of his residence)) under the authority of a ((one-transit)) trip permit (giving the number) or that the vehicle has been registered and licensed by the state of his residence and will be driven from the premises of the dealer with valid license plates (giving the number) issued by that state affixed thereto. If the vehicle ((or trailer)) being sold is already licensed with valid Washington plates and the nonresident purchaser wishes to qualify for exemption by transporting the vehicle out of state under authority of a ((one-transit)) trip permit, the dealer is required to remove the Washington plates prior to delivery of the vehicle and retain evidence of such removal to avoid liability for collection and payment of the retail sales tax. ((In addition to the affidavit from the buyer,)) The seller must himself certify((; either by a separate writing or)) by appending a certification to the affidavit, to the fact that the vehicle left his premises under the authority of a ((one-transit)) trip permit or with valid license plates issued by the state of the buyer's residence affixed thereto. The buyer's affidavit and the dealer's certificate ((should)) must be ((substantially)) in ((one of)) the ((two)) following form((s, whichever may be applicable)):

AFFIDAVIT ((NO. 1)) (((f))For use by a NONRESIDENT buyer of a ((motor)) vehicle

under the authority of ((a ONE-TRANSIT PERMIT)))
(a) ☐ Trip permit (b) ☐ Nonresident license plates (check appropriate box)
STATE of WASHINGTON COUNTY OF
COUNTY OF
(Purchaser) , being first duly sworn on oath, deposes and says: That he is a bona fide resident of the State of and that his address is (street and number or rural route) , (city, town or post office) , (state) ; That on this date he has purchased from (dealer) the following described ((motor)) vehicle, to-wit:
Make Model Year (Motor Number) (Serial No.) (Serial No.)
and that said vehicle is being purchased for use ((in the)) outside this state ((of his residence)) and that the same will be driven ((directly)) from the premises of the dealer ((to such state)) under the authority of (a) a ((one-transit)) trip permit numbered which has ((this day)) been issued to him authorizing the transit of said vehicle ((from (point of origin in permit) to (point of destination in permit)
Dated at, Washington, this day of
(Signature)
Service No. if Member of Armed Services
Subscribed and sworn to before me this day of

Notary Public in and for the State of

Washington, residing at

CERTIFICATION OF DEALER

CERTIFICATION OF BELLEVIA
I hereby certify that I have this day examined One-Transit Permit No issued to the affiant of the foregoing affidavit, and
that the same authorizes the transit of the motor vehicle described
therein between the points of origin and destination as hereinabove set
forth:
(Signature of dealer
or representative)
(Title-
— Officer or Agent)
AFFIDAVIT NO. 2
(For use by a NONRESIDENT buyer of a motor vehicle transporting the same to the state of his residence under the authority of LICENSE
PLATES issued by such state),
STATE of WASHINGTON ss.
COUNTY OF
— (Purchaser), being first duly sworn on oath, deposes and says:
That he is a bona fide resident of the State of and that his
address is (street and number or rural route), (city, town
or post office) , (state) ; That on this date he has purchased from (dealer) the following described motor vehicle, to-wit:
Make Model
Year (Motor Number) (Serial No.)
and)), or, (b) that said vehicle is being purchased for use ((in the))
outside this state ((of his residence)) and will not be used in the State
of Washington for more than three months; and
That the affiant has licensed said vehicle in the state of
and has had issued to him by that state license plates numbered
which are valid until (expiration date of license)
and that said plates have been affixed to said vehicle prior to the time it has left the premises of the dealer.
Dated at, Washington, this day of, 19
(Signature)
Service No. if Member of Armed Services
Subscribed and sworn to before me this day of, 19
Notary Public in and for the State of Washington, residing at
CERTIFICATE OF DEALER
I hereby certify that before final delivery of the ((motor)) vehicle de-
sociled in the foregoing affidavit (a) I have examined trip permit No.
scribed in the foregoing affidavit (a) I have examined trip permit No. which authorizes transit of the vehicle described, or (b)
that license plates numbered issued to said vehicle by the
state of and expiring were affixed thereto. I
further certify that I have personally examined two or more of the fol- lowing items of documentary evidence showing the purchaser's resi-
dency in the state of
Driver's license
Voter's registration
Fishing or hunting license
Income tax returns
Other (specify) I further certify that if the vehicle sold was already licensed with valid
Here the certify that if the vehicle sold was already licensed with valid Washington plates, they were physically removed by
agent of the seller.
agent of the solier.

(Signature of dealer or representative)

(TitleOfficer or Agent)

Failure to take this affidavit and to complete the dealer's certification, in full, at the time of delivery of the vehicle will negate any exemption from the buyer's duty to pay and the dealer's duty to collect the retail sales tax under RCW 82.08.0264. Furthermore, a copy of the completed affidavit and certification must be attached to the dealer's excise tax report submitted for the reporting period in which any such vehicles were sold. Such filing is a procedural requirement and does not conclusively establish the buyer's or seller's right to exemption.

The foregoing affidavit((\$)) will be prima facie evidence that sales of ((motor)) vehicles ((and trailers)) to nonresidents have qualified for the sales tax exemption provided in RCW ((82.08.030(13) of the law)) 82.08.0264 when there are no contrary facts which would negate the presumption that the seller relied thereon in complete good faith. ((This statutory tax exemption was enacted primarily to benefit sellers of motor vehicles and trailers whose natural trading areas cut across the state boundaries. Therefore;)) The burden rests upon the seller to exercise a reasonable degree of prudence in accepting statements relative to the nonresidence of buyers. Lack of good faith on the part of the seller or lack of the exercise of the degree of care required would be indicated, for example, if the seller has knowledge that the buyer is living or is employed in Washington, if for the purpose of financing the purchase of the vehicle the buyer gives a local address, if at the time of sale arrangements are made for future servicing of the vehicle in the seller's shop and a local address is shown for the shop customer, or if the seller has ready access to any other information which discloses that the buyer may not be in fact a resident of the state which he claims. ((As a protection to sellers, it is recommended that they follow the practice of examining the driver's license held by the buyer or ask for some other documentary proof of residence.)) A Nonresident Permit issued by the Department of Revenue may be accepted as prima facie evidence of the out of state residence of the buyer, but does not relieve the seller from obtaining the affidavit((s,)) and completing the certificate((s and other forms of proof)) required by this rule.

Members of the armed services who are temporarily stationed in Washington pursuant to military orders will be presumed to be non-residents unless such persons were residents of this state at the time of their induction. This presumption is not applicable in respect to civilian employees of the armed services.

In all other cases where delivery ((of possession)) of the ((motor)) vehicle ((or trailer sold passes)) is made to the buyer in this state, the retail sales tax applies and must be collected at the time of sale. The mere fact that the buyer may be or claims to be a nonresident or that he intends to, and actually does, use the vehicle ((or trailer)) in some other state are not in themselves sufficient to entitle him to the benefit of this exemption. In every instance where the ((motor)) vehicle ((or trailer)) is licensed or titled in Washington by the purchaser the retail sales tax is applicable.

2. OUT-OF-STATE DELIVERIES. Out-of-state deliveries to buyers who are bona fide nonresidents are exempt from the retail sales tax when the seller, as a necessary incident to the contract of sale, delivers possession of ((motor)) vehicles ((and trailers)) to such buyers at points outside Washington and such ((motor)) vehicles are not licensed or titled in this state. If the vehicle ((or trailer)) being sold bears valid Washington plates and the nonresident wishes to qualify for exemption by taking delivery from the dealer at a point outside the state, the dealer is required to remove the Washington plates prior to delivery and retain evidence of such removal to avoid liability for collection and payment of the retail sales tax.

In such cases, as evidence of the exempt nature of the transaction, the seller must take from the buyer a certificate of out—of—state delivery which shall give the purchaser's name and address, the name, model, year and motor number of the vehicle purchased, and contain the buyer's statement that he is a bona fide resident of the named state, that the vehicle was purchased for use ((in-such)) outside Washington state and that under the terms of the sales agreement the dealer was required to and did deliver the vehicle to a named point outside the State of Washington. The certificate shall be signed by the buyer at the place of delivery. Attached to this certificate and made a part thereof shall be a certification by the seller that he delivered the vehicle to the purchaser named at the named place of delivery.

These certificates shall be substantially in the following form:

CERTIFICATE OF OUT-OF-STATE DELIVERY

(To be obtained from the purchaser at the time delivery is made to him at a point outside Washington)

The undersigned hereby certifies that he is a bona fide resident of the State of and that his address is (street and number or rural route) , (city, town or post office) , (state) ; That on the day of , 19 . , he purchased from (Dealer) the following described ((motor)) vehicle to-wit:
Make Model
Year (Motor Number)
(Serial No.)
and that said vehicle was purchased for use ((in the state of his resi-
dence)) outside Washington state;
That under the terms of the sales agreement the dealer was required
to, and did on this day, deliver said ((motor)) vehicle to him at (Place of delivery).
Dated at, this day of
19
(Signature)
Service No. if Member of Armed Services

CERTIFICATION OF DEALER

I hereby certify that I have this day delivered the ((motor)) vehicle hereinabove described to Name of purchaser, at Place of delivery.

Dated

(Signature of dealer or representative) (Title-Officer or Agent)

When such out-of-state delivery is made by a common carrier acting as agent of the seller then, as evidence of the exempt nature of the transaction, the seller shall retain in his files a signed copy of the bill of lading issued by the carrier in which the seller is shown as the consignor and by which the carrier agrees to transport the vehicle to a point outside the state.

The retail sales tax applies upon sales at retail made by local dealers to local residents for use by them in this state, even though delivery may be taken by the purchaser at the factory or other point outside this state, or that shipment may be made direct from outside this state to the purchaser in this state. However, where delivery is taken by local residents in foreign countries the ((motor)) vehicles will be deemed not to be for use in this state and local dealers will not be required to collect the retail sales tax.

3. RECORDS TO BE RETAINED BY SELLER. The affidavits and certificates referred to in this rule must be retained by the seller in his files as a part of his permanent records subject to audit by the Department of Revenue. In the absence of such proof, claims that transactions were exempt from tax will be disallowed ((unless the seller can, by other clear and convincing evidence, establish the exempt nature of the transaction)).

((Revised June 1, 1970:))

WSR 83-05-049 ADOPTED RULES BOARD OF PILOTAGE COMMISSIONERS

[Order 83-2, Resolution No. 83-2—Filed February 16, 1983]

Be it resolved by the Board of Pilotage Commissioners, acting at Conference Room, Washington State Ferries, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to retirement fund contribution, WAC 296-116-320.

This action is taken pursuant to Notice No. WSR 83-02-045 filed with the code reviser on January 3, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 10, 1983.

By Ralph E. White

Chairman

AMENDATORY SECTION (Amending Order 82-10-049, Resolution No. 82-10-049, filed 6/23/82)

WAC 296-116-320 RETIREMENT FUND CONTRIBUTION. ((With respect to)) The tariffs include \$750 per month or \$9000 per year for ((a)) each full-time pilot and \$375 per month or \$4500 per year for ((a)) each half-time pilot as a retirement fund contribution((s:)).

(((1) Each active pilot member of the association of pilots for the Puget Sound pilotage district shall make a retirement fund contribution of \$750 per month for a full-time pilot and \$375 per month for a half-time pilot for retirement purposes which shall be accumulated and payable upon death or retirement only, and shall be deposited in a joint account in the name of the individual pilot and the association, in a qualified public depository approved for the purpose by the board: PROVIDED, HOWEVER, The board grants further authority, subject to the following withdrawal limitations, for a portion or all of the retirement fund contributions for pilots on and after July 18, 1975, to be placed into trust programs limited to interest bearing notes, interest bearing accounts, investments, and accumulations of money in short-term money funds, and participation in bank pooled bond funds. These investments would be for selfemployed individuals, so as to qualify said programs under applicable federal laws for deferral of income benefits and other personal advantages. Funds may also be put in fixed income accounts designed to comply with HR-10 Self-Employed Individuals Tax Retirement Act of 1962, as amended by the Employee Retirement Income Security Act of 1974, when such trust plans are submitted to the board for prior approval. Participation in such approved self-employment retirement plans shall be conditioned upon the following:

(a) Once established these plans shall not be terminated except upon the death or retirement of the participating pilot.

(b) Each participating pilot shall issue to the trustee of the self-employment retirement plan signed instructions directing the trustee to give advance notice to the office of the chairperson of the board of pilotage commissioners of any application for distribution or termination of an established self-employment retirement

plan. Any pilot, or any person acting on behalf of said pilot's estate, making such an application for distribution or termination at any time other than upon the event of death or retirement of the pilot, shall be directed by the board to withdraw such application.

- (c) Should a pilot have not elected retirement prior to age 70 1/2, said pilot shall be permitted to receive a distribution in whatever form he elects, under the provisions of his self-employment retirement plan, thereby complying with the mandatory distribution requirements of the above-mentioned retirement laws, provided that any and all funds so distributed be immediately deposited into a joint account in the name of the individual pilot and the association of pilots for the Puget Sound pilotage district, in a qualified public depository approved for the purpose by the board, and thereafter withdrawn only upon actual death or retirement.
- (d) It is to be understood by any pilot electing to direct contributions toward these self-employed plans and trust programs, that such activity is at their own financial choosing and the general approval by the board for such arrangement is not to be taken as any kind of recommendation or positive approval by the board as to these types of programs. This contribution of \$750 per month for a full-time pilot and \$375 per month for a half-time pilot shall be derived from the pilot's gross revenues.
- (2) On quarterly reports required under RCW 88.16-110, the pilot shall state for the preceding quarter the total retirement fund contribution received, through that quarter and shall itemize all withdrawals or payments from such fund. Further, the pilot shall reflect what portion of his retirement funds, on a quarterly basis, have been diverted into KEOGH approved investment retirement plans.
- (3) All persons hereafter licensed by the board to pilot on the waters of Puget Sound under the provisions of the Pilotage Act; chapter 88.16 RCW shall be deemed to have agreed to and be bound by the foregoing.
- (4) These regulations have been enacted pursuant to the board of pilotage commissioners' authority to fix rates of pilotage as set forth hereinabove. Failure to comply with any aspect of these regulations controlling the use of the \$750 per month for a full-time pilot and \$375 per month for a half-time pilot contribution amount granted for retirement purpose shall result in disciplinary action pursuant to RCW 88.16.120 and such violation may be charged as a misdemeanor pursuant to RCW 88.16.150:))

WSR 83-05-050 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 1949—Filed February 16, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at

Olympia, Washington, the annexed rules relating to inpatient hospital care, amending WAC 388-86-050.

This action is taken pursuant to Notice No. WSR 83-02-023 filed with the code reviser on December 28, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED February 16, 1983.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations the recipient will have free choice of hospitalization.

- (2) Certain hospitalization services covered by the program require approval of the medical consultant.
- (a) Prior approval for nonemergent ((surgery)) hospital admissions;
- (b) ((Admission and length of stay for recipients of the GAU and limited casualty-medically indigent programs;
- (c))) Retroactive certification and out-of-state care including bordering cities.
- (3) The ((Washington state professional standards review organization (WSPSRO))) division of medical assistance will certify hospital admission, length of stay and/or services for ((the categorically needy and limited casualty-medically needy)) all recipients.
- (4) Department authorization for inpatient hospital care for eligible individuals shall be limited to ((the lesser of the minimum number of days consistent with practice normally followed in the community or)) the ((maximum)) number of days established at the ((75th)) 50th percentile in the 1981 edition ((adopted by department)) of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (as defined in WAC 388-80-005 and 388-87-013). ((Hospital stays shall be subject to the same utilization review as established for private patients in the community.)) A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. When hospitalization of a recipient ((of GAU or limited casualty program-medically indigent)) exceeds the ((maximum)) number of days ((specified in PAS, an extension request shall be presented)) as limited by this subsection, the hospital shall submit to the local medical consultant a request with adequate

justification and signed by the attending physician ((to the chief, office of medical policy and procedure or his designee)) within sixty days of final service for approval of the extension.

- (a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.
- (b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.
- (c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age twenty—one and for all categorically needy recipients age sixty—five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs.
- (5) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established.
- (6) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.
- (7) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.
- (8) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.
- (((9) A deductible not to exceed one-half the payment the department makes for the first day of inpatient hospital care for each admission is the responsibility of the limited casualty program-medically needy recipient.))

WSR 83-05-051 ADOPTED RULES BELLEVUE COMMUNITY COLLEGE

[Order 83, Resolution No. 154—Filed February 16, 1983]

Be it resolved by the board of trustees of Bellevue Community College, Community College District VIII,

acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does adopt the annexed rules relating to bylaws and standing orders of the board of trustees of Community College District VIII, amending WAC 132H-105-030, meetings of the board of trustees.

This action is taken pursuant to Notice No. WSR 83-01-043 filed with the code reviser on December 13, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Bellevue Community College, Community College District VIII, as authorized in RCW 28B.50.140.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 9, 1983.

By Paul N. Thompson Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order 61, filed 9/13/78)

JWAC 132H-105-030 MEETINGS OF THE BOARD OF TRUSTEES. The Board of Trustees of Community College District VIII shall hold at least two regular meetings each quarter and such other regular or special meetings as may be requested by the Chairman or by a majority of the members of the Board.

Therefore, the Board of Trustees will hold a regular meeting on the ((first)) second Tuesday of each month. The meeting will begin at 12 noon in the Bellevue Campus Cafeteria, with a discussion of agenda items, and at 1:30 p.m. in the Board Room, Bellevue Campus, Bellevue, Washington, for a business session. (1) If that day is a legal holiday, the meeting will be held as soon thereafter as possible.

- (2) In the event the Board of Trustees of Community College District VIII is unable to meet on the regular meeting date, a special meeting may be scheduled and held as soon thereafter as possible.
- (3) In the event the Board of Trustees of Community College District VIII is unable to meet, the Chairman of the Board may order that no regular meeting of the Board of Trustees be held that month.
- (4) All regular and special meetings of the Board of Trustees shall be open to the general public in accordance with RCW 42.30 (The Open Public Meeting Act).
- (5) No official business shall be conducted by the Board of Trustees except during a regular or special meeting.
- (6) The Board of Trustees may convene in executive session whenever it is deemed necessary pursuant to RCW 42.30.110.

WSR 83-05-052 PROPOSED RULES LOTTERY COMMISSION

[Filed February 16, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning adding new sections WAC 315-11-050, 315-11-051 and 315-11-052;

that the agency will at 10:00 a.m., Friday, April 8, 1983, in the Transportation Commission Meeting Room, Second Floor, Highways Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 8, 1983.

Dated: February 4, 1983 By: Paul L. Mack Chairman

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s), and Summary of the Rule(s): WAC 315-11-050 Definitions for Instant Game Number 3, provides definitions of terms for Instant Game Number 3, including "play numbers," "validation number," "pack-ticket number, "captions," "agent validation codes," and "pack." WAC 315-11-051 Criteria for Instant Game Number 3, provides criteria for Instant Game Number 3, including the price of a ticket, determination of winning tickets, the requirement of meeting ticket validation test, ticket redemption, grand prize drawing procedures, and the director's authority to vary the game's length and/or the number of tickets sold. WAC 315-11-052 Ticket Validation Requirements, sets forth specific ticket validation requirements for Instant Game Number 3, what may occur if ticket validation requirements are not met, and the lottery's responsibility if a defective ticket is purchased.

Statutory Authority for Adopting the Rules and the Specific Statute the Rule(s) are Intended to Implement: WAC 315-11-050 - RCW 67-70-040; WAC 315-11-051 - RCW 67.70.040 and 67.70.050; WAC 315-11-052 - RCW 67.70.040 and 67.70.050.

Description of the Purpose of the Rules: WAC 315-11-050, the purpose of this rule is to provide definitions of the terms used in Instant Game Number 3 rules; WAC 315-11-051, the purpose of this rule is to set forth criteria for Instant Game Number 3, including the price of a ticket, determination of winning tickets, ticket validation requirements, ticket redemption, grand prize drawing procedures, and the director's authority to vary the game's length and/or the number of tickets sold; and WAC 315-11-052, the purpose of this rule is to state

the ticket validation requirements for Instant Game Number 3, to state what may occur if ticket validation requirements are not met, and to state the lottery's responsibility if a defective ticket is sold.

Reasons for Supporting the Proposed Rules: WAC 315-11-050, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-051 and 315-11-052; WAC 315-11-051, licensed agents, the lottery, and players of Instant Game Number 3 need to know how the game will function. Specifying the criteria which apply to Instant Game Number 3 will provide this information; and WAC 315-11-052, tickets for Instant Game Number 3 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on adulterated tickets.

The Agency Personnel Responsible for the Drafting: Richard Finnigan, Assistant Attorney General, 5th Floor, Highways-Licenses Building, Olympia, WA 98504, (206) 753-2702, and C. J. Coffman, Contract Specialist, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 754-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412, Robert Boyd, Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330, C. Peter Eck, Deputy Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504 (206) 753-3330, N. A. Stussy, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3329, William Robinson, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3379, and Hugh Mann, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504. (206) 753-3384.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the Office of the Director,

Washington State Lottery or voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the Office of the Director, Washington State Lottery.

NEW SECTION

WAC 315-11-050 DEFINITIONS FOR INSTANT GAME NUMBER 3 ("BURIED TREASURE"). (1) Play Numbers for Instant Game Number 3 – The following are the "Play Numbers": "\$2.00", "\$5.00", "50.00", "\$1,000", "10,000". Each such Play Number is printed in gray-black ink and one of these Play Numbers appears under each of the six rub-off spots on the ticket front in the Archer font in positive.

(2) Validation Number for Instant Game Number 3 - The nine-digit number on the front, bottom center of the ticket under the "DO

NOT REMOVE" area.

(3) Pack-Ticket Number for Instant Game Number 3 - The tendigit number of the form 3000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the Pack-Ticket Number for Instant Game Number 3 constitute the "Pack-Number" and start at 3000001; the last three digits constitute the "Ticket Number" which starts at 000 and continues sequentially through 399 within each pack of tickets.

(4) Captions for Instant Game Number 3 – The small printed material appearing below each Play Number which verifies and corresponds with that Play Number. The Caption is a spelling out, in full or abbreviated form, of the Play Number. Only one Caption appears under each Play Number and is printed in gray-black ink in positive in 5 x 9 font. The Captions which correspond with and verify each Play

Number are:

Play Number	Caption
\$2.00	TŴO
\$5.00	FIVE
50.00	FIFTY
\$1,000	ONE THOU
10,000	TEN THOU

(5) Agent Validation Codes for Instant Game Number 3 – codes consisting of small letters found under the removable covering on the ticket front, which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 3, the Agent Validation Code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the Play Numbers. The Agent Validation Code is used by the licensed agent to verify \$2.00 and \$5.00 winners. The codes which correspond with and verify each of these winners are:

TWO = \$2.00 FIV = \$5.00

(6) Pack For Instant Game Number 3 - A pack of 400 fanfolded instant game tickets, packed in a plastic bag or a plastic shrinkwrapping, which are attached to each other by perforations at which perforations the licensed agent tears when the agent sells a ticket.

NEW SECTION

WAC 315-11-051 CRITERIA FOR INSTANT GAME NUMBER 3. (1) The price of each instant game ticket shall be \$1.00.

- (2) Determination of Prize Winning Tickets An instant prize winning ticket is determined in Instant Game Number 3 in the following manner:
- (a) A \$2.00 prize winning ticket shall have an occurrence of "\$2.00" as a Play Number in each of 3 separate boxes on the ticket;
- (b) A \$5.00 prize winning ticket shall have an occurrence of "\$5.00" as a Play Number in each of 3 separate boxes on the ticket;
- (c) A \$50.00 prize winning ticket shall have an occurrence of "50.00" as a Play Number in each of 3 separate boxes on the ticket;
- (d) A \$1,000 prize winning ticket shall have an occurrence of "\$1,000" as a Play Number in each of 3 separate boxes on the ticket;
 (e) A \$10,000 prize winning ticket shall have an occurrence of
- "10,000" as a Play Number in each of 3 separate boxes on the ticket;
 (f) In any event, only the highest instant prize amount meeting the
- standards of (a) through (e) will be paid on a given ticket.
- (3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

- (4) The determination of prize winners shall be subject to the general ticket validation requirements, to the particular validation requirements for Instant Game Number 3, and to the requirements set forth on the back of each ticket.
- (5) Instant prize winning tickets shall be redeemed in the manner set forth on the back of the ticket.
- (6) Participants in the Grand Prize Drawings shall be those validated instant prize winners of exactly \$50 who submit prize claims within 30 days after the announced end of Instant Game Number 3 in the manner prescribed on the back of the instant ticket. One Grand Prize Drawing will be held for Instant Game Number 3 after that game's conclusion, at the time and place and pursuant to the methods to be announced by the director. The prizes to be awarded in the Grand Prize Drawing will be: one 1st prize of \$1,000 a week for life with the weekly prize payments starting at age 18 or older, with a minimum payment of \$1,000,000 guaranteed; one 2nd prize of \$500,000 paid as \$50,000 per year for ten years; two 3rd prizes of \$250,000 paid as \$25,000 per year for ten years; two 4th prizes of \$75,000; four 5th prizes of \$50,000 each; four 6th prizes of \$25,000 each; and six 7th prizes of \$10,000 each. The director reserves the right provided by WAC 315-10-030(7)(a) to place any instant prize winner who is entitled to entry in a Grand Prize Drawing whose entry was not entered into the elimination drawing for such Grand Prize Drawing and who is subsequently determined to have been entitled to such entry, into the elimination drawing of a subsequent Grand Prize Drawing of a subsequent instant game having equal (or greater) Grand Prizes available.

(7) Notwithstanding any other provisions of these rules, the director may: (a) vary the length of Instant Game Number 3, and/or

(b) vary the number of tickets sold in Instant Game Number 3 and the number of Grand Prize Drawing winners in a manner that will maintain the estimated average odds of winning a Grand Prize Drawing.

NEW SECTION

WAC 315-11-052 TICKET VALIDATION REQUIRE-MENTS. (1) Besides meeting all of the other requirements of these rules and regulations, the following validation requirements will apply to instant game tickets in Instant Game Number 3. To be a valid instant game ticket, all of the following requirements must be met:

(a) Exactly one Play Number must appear under each of the six rub-off spots in the right-hand portion of the ticket.

(b) Each of the six Play Numbers must have a Caption underneath, and each Play Number must agree with its Caption.

(c) Each of the six Play Numbers must be present in its entirety and be fully legible.

(d) Each of the six Captions must be present in its entirety and be fully legible.

(e) Each of the six Play Numbers and their Captions must be printed in gray-black ink.

(f) The ticket shall be intact.

- (g) The Pack-Ticket Number, Validation Number and Agent Validation Code must be present in their entirety and be legible. The Validation Number shall correspond, using the lottery's codes, to the Play Numbers on the ticket.
- (h) The ticket must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.

(i) The ticket must not be counterfeit in whole or in part.

- (j) The Validation Number and Agent Validation Code shall be printed in gray-black ink, and the Pack-Ticket Number shall be printed in red ink.
- (k) The ticket must have been issued by the director in an authorized manner.
- (1) The ticket must not be stolen nor appear on any list of omitted tickets on file with the director.
- (m) The Play Numbers, Captions, Validation Number, Agent Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner.
- (n) The ticket must be complete, not miscut, have exactly one Play Number and exactly one Caption under each of the six rub-off spots, exactly one Pack-Ticket Number, exactly one Agent Validation Code, and exactly one Validation Number.
- (o) The Validation Number of an apparent winning ticket shall appear on the lottery's Official List of Validation Numbers of winning tickets; and a ticket with that Validation Number shall not have been previously paid.
- (p) The ticket must not be blank, or partially blank, misregistered, defective, or printed or produced in error.

- (q) Each of the Play Numbers must be exactly one of those described in WAC 315-11-050(1) above and each of the Captions to the six Play Numbers must be exactly one of those described in WAC 315-11-050(4) above.
- (r) Each of the six Play Numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file with the director; each of the six Captions must be printed in the 5 x 9 font and must correspond precisely to the artwork on file with the director; the Pack-Ticket Number must correspond precisely to the artwork on file with the director; and the Validation Number must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.
- (s) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.
 - (t) No portion of the "DO NOT REMOVE" spot is exposed.
- (u) The ticket must pass all additional confidential validation requirements of the director.
- (2) Any ticket failing any of the validation requirements in WAC 315-11-052(1) is void and ineligible for any prize.
- (3) The director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current lottery game). In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current lottery game). However, (a) if the only validation check that a ticket fails is WAC 315-11-052(1)(t), or (b) if the ticket is partially mutilated, or (c) if the ticket is not intact, and the ticket can still be validated by the other validation requirements, the director may, in his or her discretion, pay the prize for that ticket.

WSR 83-05-053 PROPOSED RULES LOTTERY COMMISSION

[Filed February 16, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning adding new sections WAC 315-11-060, 315-11-061 and 315-11-062;

that the agency will at 10:00 a.m., Friday, April 8, 1983, in the Transportation Commission Meeting Room, Second Floor, Highways Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 8, 1983.

Dated: February 4, 1983 By: Paul L. Mack Chairman

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s), and Summary of the Rule(s): WAC 315-11-060 Definitions for Instant Game Number 4, provides definitions of terms for Instant Game Number 4, including "your score play numbers," "their score play numbers," "prize

play numbers," "validation number," "pack-ticket number," "caption," "agent validation codes," and "pack." WAC 315-11-061 Criteria for Instant Game Number 4, provides criteria for Instant Game Number 4, including the price of a ticket, determination of winning tickets, the requirement of meeting ticket validation tests, ticket redemption, grand prize drawing procedures, and the director's authority to vary the game's length and/or the number of tickets sold. WAC 315-11-062 Ticket Validation Requirements, sets forth specific ticket validation requirements for Instant Game Number 4, what may occur if ticket validation requirement(s) are not met, and the lottery's responsibility if a defective ticket is purchased.

Statutory Authority for Adopting the Rules and the Specific Statute the Rule(s) are Intended to Implement: WAC 315-11-060 - RCW 67.70.040; WAC 315-11-061 - RCW 67.70.040 and 67.70.050; WAC 315-11-062 - RCW 67.70.040 and 67.70.050.

Description of the Purpose of the Rules: WAC 315-11-060, the purpose of this rule is to provide definitions of the terms used in Instant Game Number 4 rules; WAC 315-11-061, the purpose of this rule is to set forth criteria for Instant Game Number 4, including the price of a ticket, determination of winning tickets, ticket validation requirements, ticket redemption, grand prize drawing procedures, and the director's authority to vary the game's length and/or the number of tickets sold; and WAC 315-11-062, the purpose of this rule is to state the ticket validation requirements for Instant Game Number 4, to state what may occur if ticket validation requirements are not met, and to state the lottery's responsibility if a defective ticket is sold.

Reasons for Supporting the Proposed Rules: WAC 315-11-060, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-061 and 315-11-062; WAC 315-11-061, licensed agents, the lottery, and players of Instant Game Number 4 need to known how the game will function. Specifying the criteria which apply to Instant Game Number 4 will provide this information; and WAC 315-11-062, tickets for Instant Game Number 4 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on adulterated tickets.

The Agency Personnel Responsible for the Drafting: Richard Finnigan, Assistant Attorney General, 5th Floor, Highways-Licenses Building, Olympia, WA 98504, (206) 753-2702, and C. J. Coffman, Contract Specialist, Office of the Director, Washington State Lottery, P. O. Box 9770, Olympia, WA 98504, (206) 754-1088; Implementation and Enforcement: Washington State Lottery Commission, P. O. Box 9770, Olympia, WA 98504, (206) 753-1412, C. Peter Eck, Deputy Director, Office of the Director, Washington State Lottery, P. O. Box 9770, Olympia, WA 98504, (206) 753-3330, Robert Boyd, Director, Office of the Director, Washington State Lottery, P. O. Box 9770, Olympia, WA 98504, (206) 753-3330, N. A. Stussy, Assistant

Director, Office of the Director, Washington State Lottery, P. O. Box 9770, Olympia, WA 98504, (206) 753-3329, William Robinson, Assistant Director, Office of the Director, Washington State Lottery, P. O. Box 9770, Olympia, WA 98504, (206) 753-3379, and Hugh Mann, Assistant Director, Office of the Director, Washington State Lottery, P. O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule:

The rule is not necessary to comply with federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the Office of the Director, Washington State Lottery or voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the Office of the Director, Washington State Lottery.

NEW SECTION

WAC 315-11-060 DEFINITIONS FOR INSTANT GAME NUMBER 4 ("BASEBALL"). (1) Play Numbers for Instant Game Number 4. There are three types of "Play Numbers" in Instant Game Number 4: "Your Score Play Numbers," "Their Score Play Num-

bers," and "Prize Play Numbers," which have the following definitions:
(a) "Your Score Play Numbers" are the "Play Numbers" which appear under the nine rub-off "baseball spots" which are adjacent to each other horizontally at the bottom, right-hand portion of the ticket

front and are one of the following: 0, 1, 2, 3, 4, 5, or 6;
(b) "Their Score Play Numbers" are the "Play Numbers" which appear under the rub-off spot printed with the phrase "THEIR SCORE" on it, which spot is in the center, right-hand portion of the ticket front; "Their Score Play Numbers" are one of the following: 1, 2, 3, 4, 5, 7, or 9; each "Their Score Play Numbers" has the word "THEIR" printed immediately above it on the ticket and under the

rub-off spot in 5 x 9 font in positive;
(c) "Prize Play Numbers" are the "Play Numbers" which appear
under the rub-off "prize spot," which is the rub-off spot in the center, right-hand portion of the ticket front (to the right of the "THEIR SCORE" spot) with the word "PRIZE" printed on the rub-off covering; "Prize Play Numbers" are one of the following: "\$2.00," "\$5.00," "\$50.00," "\$50.00," "\$1,000," \$5,000," or "\$20,000"; each "Prize Play Number" has the word "PRIZE" printed immediately above it on the ticket and under the rub-off in 5 x 9 font in positive. Each Play Number is printed in Archer font in positive and in gray-black ink

(2) Validation Number for Instant Game Number 4. The nine-digit number on the front, top center of the ticket under the "DO NOT

REMOVE" area.

(3) Pack-Ticket Number for Instant Game Number 4. The tendigit number of the form 4000001-000 printed on the back of the ticket in 11" high type in red. The first seven digits of each PackTicket Number for Instant Game Number 4 constitute the "Pack-Number" and start at 4000001; the last three digits constitute the "Ticket Number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions for Instant Game Number 4. The small printed material appearing below each Play Number which verifies and corresponds with that Play Number. The caption is a spelling out, in full or abbreviated form, of the Play Number. Only one of the Captions appears under each Play Number; it is printed in gray-black ink in positive in 5 x 9 font. The Captions which correspond with and verify each Play Number are:

fullioti alt.	
(a) Your Score Play Number	Caption
0	ZER
1	ONE
2	TWO
2 3	THR
4	FOR
5	FIV
6	SIX
(b) Their Score Play Number	Caption
1	ONE
2	TWO
2 3 4 5 7	THREE
4	FOUR
5	FIVE
7	SEVEN
9	NINE
(c) Prize Play Number	Caption
\$2.00	TŴO
\$5.00	FIVE
50.00	FIFTY
\$500	5 HUND
\$1,000	ONE THOU
\$5,000	FIVE THOU
20,000	TWTY THOU

(5) Agent Validation Codes for Instant Game Number 4. Codes consisting of small letters found under the removable covering on the ticket front, which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 4, the Agent Validation Code is a three-letter code, with each letter appearing in a varying three of eight locations beneath the removable covering and among the "Your Score Play Numbers." The Agent Validation Code is used by the sales agent to verify \$2.00 and \$5.00 winners and the code which corresponds with, and verifies, each of these winners is as follows:

$$TWO = $2.00$$

 $F1V = 5.00

(6) Pack for Instant Game Number 4. A pack of 400 fanfolded instant game tickets, packed in a plastic bag or plastic shrinkwrapping, which are attached to each other by perforations, at which the licensed agent tears when the agent sells a ticket.

NEW SECTION

WAC 315-11-061 CRITERIA FOR INSTANT GAME NUM-BER 4. (1) The price of each instant game ticket shall be \$1.00

(2) Determination of Prize Wining Tickets. An instant prize winning ticket is determined in Instant Game Number 4 in the following manner: Add the nine "Your Score Play Numbers" on the ticket to obtain the total of "Your Score." If the total "Your Score" is greater than "Their Score" (which is the "Their Score Play Number" on the ticket), the ticket is a winner of the cash prize determined by the "Prize Play Number." The "Prize Play Numbers" have the following instant cash prize values:

Prize Play Number Instant Cash Prize Value \$2.00 \$2.00 (two dollars) \$5.00 \$5.00 (five dollars) \$50.00 (fifty dollars 50.00 \$500 (five hundred dollars) \$500 \$1,000 \$5,000 \$1,000 (one thousand dollars) \$5,000 (five thousand dollars) \$20,000 (twenty thousand dollars) 20,000

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) In all events, the determination of prize winning tickets shall be subject to the general ticket validation requirements, to the particular ticket validation requirements for Instant Game Number 4, and to the requirements set forth on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set forth on the back of the ticket.

- (6) Participants in the Grand Prize Drawings shall be those validated instant prize winners of exactly \$50 who submit prize claims within 30 days after the announced end of Instant Game Number 4 in the manner prescribed on the back of the instant ticket. One Grand Prize Drawing will be held for Instant Game Number 4 after that game's conclusion, at the time and place and pursuant to the methods to be announced by the director. The prizes to be awarded in the Grand Prize Drawing will be: one 1st prize of \$1,000 a week for life with the weekly prize payments starting at age 18 or older, with a minimum payment of \$1,000,000 guaranteed; one 2nd prize of \$500,000 paid as \$50,000 per year for ten years; two 3rd prizes of \$250,000 paid as \$25,000 per year for ten years; two 4th prizes of \$75,000; four 5th prizes of \$50,000 each; four 6th prizes of \$25,000 each, and six 7th prizes of \$10,000 each. The director reserves the right provided by WAC 315-10-030(7)(a) to place any instant prize winner who is entitled to entry in a Grand Prize Drawing whose entry was not entered into the elimination drawing for such Grand Prize Drawing and who is subsequently determined to have been entitled to such entry, into the elimination drawing of a subsequent Grand Prize Drawing of a subsequent instant game having equal (or greater) Grand Prizes available.
- (7) Notwithstanding any other provisions of these rules, the director may: (a) vary the length of Instant Game Number 4, and/or (b) vary the number of tickets sold in Instant Game Number 4, and the number of winners in a manner that will maintain the estimated average odds of winning a Grand Prize Drawing.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 315-11-062 TICKET VALIDATION REQUIRE-MENTS. (1) Besides meeting all of the other requirements in these rules and regulations, the following validation requirements will apply to instant game tickets in Instant Game Number 4. To be a valid instant game ticket, all of the following requirements must be met:

- (a) Exactly one Your Score Play Number must appear under each of the nine baseball rub-off spots in the bottom, right portion of the ticket; exactly one Their Score Play Number must appear under the "Their Score" rub-off spot in the center, right portion of the ticket; and exactly one Prize Play Number must appear under the "Prize" rub-off spot to the right of the "Their Score" rub-off spot on the ticket.
- (b) Each of the Play Numbers must have a Caption underneath, and each Play Number must agree with its Caption.
- (c) Each of the Play Numbers must be present in its entirety and be fully legible.
- (d) Each of the Captions must be present in its entirety and be fully legible.
- (e) Each of the Play Numbers and their Captions must be printed in gray-black ink.
 - (f) The ticket shall be intact.
- (g) The Pack-Ticket Number, Validation Number and Agent Validation Code must be present in their entirety and be legible. The Validation Number shall correspond, using the lottery's codes, to the Play Numbers on the ticket.
- (h) The ticket must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.
 - (i) The ticket must not be counterfeit in whole or in part.
- (j) The Validation Number and Agent Validation Code shall be printed in gray-black ink, and Pack-Ticket Number shall be printed in red ink.
- (k) The ticket must have been issued by the director in an authorized manner.
- (1) The ticket must not be stolen nor appear on any list of omitted tickets on file with the director.
- (m) The Play Numbers, Captions, Validation Number, Agent validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner.
- (n) The ticket must be complete, and not miscut, and have the exact number of Play Numbers and corresponding Captions under the ruboff spots, exactly one Pack-Ticket Number, exactly one Agent Validation Code, and exactly one Validation Number.

- (o) The Validation Number of an apparent winning ticket shall appear on the lottery's Official List of Validation Numbers of winning tickets; and a ticket with that Validation Number shall not have been previously paid.
- (p) The ticket must not be blank, or partially blank, misregistered, defective, or printed or produced in error.
- (q) Each of the Play Numbers must be exactly one of those described in WAC 315-11-060(1) above and each of the Captions to the Play Numbers must be exactly one of those described in WAC 315-11-060(4) above.
- (r) Each of the Play Numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the the artwork on file with the director; each of the Captions must be printed in the 5×9 font and must correspond precisely to the artwork on file with the director; the Pack-Ticket Number must correspond precisely to the artwork on file with the director; and the Validation Number must be printed in the Mead 9×12 font and must correspond precisely to the artwork on file with the director.
- (s) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.
 - (t) No portion of the "DO NOT REMOVE" is exposed.
- (u) The ticket must pass all additional confidential validation requirements of the director.
- (2) Any ticket failing any of the validation requirements in WAC 315-11-062(1) is void and ineligible for any prize.
- (3) The director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current lottery game). In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current lottery game). However, (a) if the only validation check that a ticket fails is WAC 315-11-062(1)(t), or (b) if the ticket is partially mutilated, or (c) if the ticket is not intact, and the ticket can still be validated by the other validation requirements, the director may, in his or her discretion, pay the prize for that ticket.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 83-05-054 PROPOSED RULES LOTTERY COMMISSION

[Filed February 16, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning adding new section WAC 315-12-100;

that the agency will at 10:00 a.m., Friday, April 8, 1983, in the Transportation Commission Meeting Room, Second Floor, Highways Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 42.17.250 and 42.17.310.

The specific statute these rules are intended to implement is RCW 42.17.250 and 42.17.310.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 8, 1983.

Dated: February 4, 1983 By: Paul L. Mack Chairman

STATEMENT OF PURPOSE

Title: New section WAC 315-12-100, Exemptions.

Description of Purpose: The purpose of this rule is to

detail those public records exempt from public disclosure.

Statutory Authority: RCW 42.17.250 and 42.17.130[42.17.310].

Summary of Proposed Rule and Reasons Supporting Action: New section WAC 315-12-100, this proposed new rule details the public records which are exempt from public disclosure. The rule is necessary to give public notice as to the records which are exempt and provide protection for those records.

Agency Personnel Responsible for Drafting: Frank K. Edmondson, Jr., Deputy Contracting Officer, Washington State Lottery, P.O. Box 9770, Olympia, WA, 234–1412 Scan, 753–1412 Comm; Implementation and Enforcement: Washington State Lottery Commission, Robert Boyd, Director, Washington State Lottery, C. Peter Eck, Deputy Director, Washington State Lottery, N. A. Stussy, Assistant Director, Washington State Lottery, William Robinson, Assistant Director, Washington State Lottery, and Hugh Mann, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA, 234–1412 Scan, 753–2702 Comm.

Proponents and Opponents: Washington State Lottery Commission.

Agency Comments: This agency believes the proposed rule is self-explanatory and needs no further comment.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rule proposed by the Washington State Lottery Commission since this rule relates to the provision of public records rather than regulating any business or industry.

NEW SECTION

WAC 315-12-100 EXEMPTIONS. (1) The director shall not release any public records for inspectoin and copying which have been determined to be exempt under the provisions of RCW 42.17.310 including, but not limited to:

(a) Personal information in files maintained for employees or appointees of the commission or the director to the extent that disclosure

would violate that person's right to privacy.

(b) Valuable formulae, designs, drawings and research data obtained by or for any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

- (c) Specific intelligence information and specific investigative records, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, or information revealing the identity of persons who file complaints with the commission or director, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern.
- (d) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
- (e) Competitive contract procurement instruments, such as a request for proposals or an invitation for bids, prior to their release to potential

bidders; proposals and bids received in response to competitive contract procurement instruments until either the public opening of bids or, for proposals, the successful bidder and the director have signed the contract, pursuant to chapter 7, laws of 1982, 2nd ex. sess. and RCW 67.70.050.

(f) Records which are relevant to a controversy to which the commission or director is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts, including records involving attorney-client communications between the commission or director and the office of the attorney general privileged under RCW 5.60.060(2).

(2) The director shall delete identifying details when making available or publishing any public record to the extent required to prevent an unreasonable invasion of personal privacy pursuant to RCW 42.17-.260. The public records officer shall set out his or her reasons for such

deletion in writing.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 83-05-055 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed February 16, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning new section WAC 308-96A-400, Excise tax exemption—Indians.

A copy of the proposed rule is shown below, however, changes may be made at the public hearing;

that the agency will at 10 a.m, Thursday, March 24, 1983, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.01.110.

The specific statute these rules are intended to implement is RCW 82.44.020 and 82.44.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 24, 1983.

Dated: February 16, 1983 By: John Gonsalez Director

STATEMENT OF PURPOSE

Title and Number: WAC 308-96A-400 Excise Tax Exemption—Indians.

Statutory Authority: RCW 46.01.110.

Specific Statute that Rule is Intended to Implement: RCW 82.44.020 and 82.44.060.

Summary of the Rule: The rule defines and identifies Washington Indian reservations as such are recognized by the United States Department of the Interior. The rule also defines Indian tribe and Indian. The rule provides for exemption from the excise tax imposed by chapters 82.44 and 82.50 RCW for motor vehicles, mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations, and Indians having their principal residence within

the recognized Washington Indian reservation for the tribe in which they are duly registered on the tribal rolls. The rule further provides for means of proof of qualification for tax exemption.

Reasons Supporting the Proposed Action: The purpose of this rule is to implement the decision of the U.S. supreme court in Washington, et al v. Confederated Tribes of the Colville Indian Reservation, et al, No. 78-630 (June 10, 1980). In that decision the supreme court held that Washington's motor vehicle, mobile home, camper and travel trailer excise tax could not be applied to vehicles owned by Indian tribes and members residing on Indian reservations. The reason for supporting the proposed action is to permit the department to comply with the decision of the U.S. supreme court cited above.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: In addition to the director of the Department of Licensing, the following agency personnel have knowledge of and have responsibility for drafting, implementing and enforcing this rule: Jesus Sanchez, Assistant Director, Vehicle Services, 234–6914 Scan, 753–6914 Comm, and Sandra Brooks, 234–6920 Scan, 753–6920 Comm, Highways-Licenses Building, Olympia, WA 98504.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: This rule is proposed by the Department of Licensing, a governmental agency.

Agency Comments or Recommendations: This rule was adopted in identical form and content in 1980 by the department but, for reasons unknown, does not appear on the records of the code reviser's office nor was it ever published. Therefore, it is being proposed again. The rule will not change any current departmental procedure, but will inform the public of those procedures.

Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: This rule is necessary as a result of the decision of the U.S. Supreme Court in Washington, et al v. Confederated Tribes of the Colville Indian Reservation, et al, No. 78-630 (June 10, 1980).

Small Business Economic Impact: This agency has determined that there would be no adverse economic impact upon small business in the state of Washington by the adoption of this rule.

NEW SECTION

WAC 308-96A-400 EXCISE TAX EXEMPTION — INDIANS (1) For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

- (c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.
- (2) Motor vehicles owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.
- (3) Motor vehicles owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.
- (4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each motor vehicle, mobile home, travel trailer or camper license application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

KEY TO TABLE

Symbols:

AMD = Amendment of existing section NEW = New section not previously codified

REP = Repeal of existing section

AM/DE = Amendment and Decodification of existing section RECOD = Recodification of previously codified section

REMOV = Removal of rule pursuant to RCW 34.04.050(5) RES = Restoration of section to previous form

REVIEW = Review of previously adopted rule

Suffixes:

-P = Proposed action

-C = Continuance of previous proposal

-E = Emergency action

-W = Withdrawal of proposed action

No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-54-082 AMD-E 83-05-016 50-12-080 AMD 83-03-020 132L-112-210 REP-P 83-03-03-03 16-86-015 AMD-P 83-02-061 67-40-022 NEW-E 83-05-014 132L-112-220 REP-P 83-03-03-03 16-86-030 AMD-P 83-03-051 67-40-026 NEW-E 83-05-014 132L-112-230 REP-P 83-03-03-03 16-212-010 AMD-P 83-03-047 67-40-051 NEW-E 83-05-014 132L-112-240 REP-P 83-03-03 16-212-040 REP-P 83-03-047 67-40-061 NEW-E 83-05-014 132L-112-250 REP-P 83-03-03 16-212-050 AMD-P 83-03-047 67-40-090 AMD-E 83-05-014 132L-112-270 REP-P 83-03-03 16-212-050 AMD-P 83-03-047 82-36-030 AMD-E 83-03-003 132L-112-280 REP-P 83-03-03 16-212-065 AMD-P 83-03-047 98-12-040 NEW 83-02-063 132L-112-900 REP-P 83-03-03 16-212-070 AMD-P 83-03-047 98-12-040 NEW 83-02-063	-072
16-86-015 AMD-P 83-02-061 67-40-022 NEW-E 83-05-014 132L-112-220 REP-P 83-03-03-03 16-86-030 AMD-P 83-03-051 67-40-026 NEW-E 83-05-014 132L-112-230 REP-P 83-03-03-03 16-212-010 AMD-P 83-03-047 67-40-051 NEW-E 83-05-014 132L-112-240 REP-P 83-03-03 16-212-040 REP-P 83-03-047 67-40-061 NEW-E 83-05-014 132L-112-250 REP-P 83-03-03 16-212-050 AMD-P 83-03-047 67-40-090 AMD-E 83-05-014 132L-112-270 REP-P 83-03-03 16-212-050 AMD-P 83-03-047 82-36-030 AMD 83-03-003 132L-112-280 REP-P 83-03-03 16-212-060 AMD-P 83-03-047 98-12-030 NEW 83-02-063 132L-112-290 REP-P 83-03-03 16-212-070 AMD-P 83-03-047 98-12-040 NEW 83-02-063 132L-112-901 REP-P 83-03-03 1	
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133-20-030	NEW-P	83-03-061	140–12–040	NEW-P	83-02-054	174-136-019	AMD	83-05-034
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133-20-050	NEW-P	83-03-061 83-03-061	140-12-060 140-12-070	NEW-P NEW-P	83-02-054 83-02-054	180-16-166 180-42	REP-C NEW-C	83-05-023 83-05-023
133–20–060 133–20–070	NEW-P NEW-P	83-03-061	140-12-070	NEW-P	83-02-054	204-24-030	AMD-E	83-03-014
133-20-070	NEW-P	83-03-061	140-12-090	NEW-P	83-02-054	204-24-040	AMD-E	83-03-014
133-20-090	NEW-P	83-03-061	140-12-100	NEW-P	83-02-054	204-24-050	AMD-E	83-03-014
133-20-100	NEW-P	83-03-061	140-12-110 142-30-010	NEW-P	83-02-054	204-24-070 204-90	AMD-E NEW-C	83-03-014 83-05-001
133-20-110 133-20-120	NEW-P NEW-P	83-03-061 83-03-061	173-19-130	AMD-P AMD	83-04-048 83-02-066	212-43-001	NEW-C	83-03-001
133-20-120	NEW-P	83-03-061	173-19-2503	AMD-P	83-02-065	212-43-005	NEW	83-03-028
133-30-020	NEW-P	83-03-061	173192505	AMD-P	83-02-064	212-43-010	NEW	83-03-028
133-30-030	NEW-P	83-03-061	173–19–2505 173–19–260	AMD-P AMD-C	83-03-069 83-03-067	212-43-015 212-43-020	NEW NEW	83–03–028 83–03–028
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133–30–060	NEW-P	83-03-061	173-19-370	AMD-P	83-02-065	212-43-030	NEW	83-03-028
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139-14-010 139-14-010	AMD-C AMD-E	83–04–009 83–04–014	173-405-078 173-405-086	AMD-P AMD-P	83–03–070 83–03–070	212-45-100 212-45-105	NEW-P NEW-P	8303027 8303027
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139-20-010	REP-E	83-04-012	173-405-101	REP-P	8303070	212-45-115	NEW-P	83-03-027
139-20-020	NEW-C	83-04-007 83-04-013	173-410-021 173-410-040	AMDP AMDP	83–03–070 83–03–070	220-32-02200I 220-32-03000G	NEW-E NEW-E	83-04-005 83-05-025
139-20-020 140-08-010	NEW-E NEW-P	83-02-053	173-410-040	AMD-P	83-03-070	220-32-03000Q 220-32-04000Q	NEW-E	83-03-030
140-08-020	NEW-P	83-02-053	173-410-071	AMD-P	83-03-070	220-32-04000Q	REP-E	83-04-053
140-08-030	NEW-P	83-02-053	173-410-086 173-410-090	AMDP REPP	8303070 8303070	220-32-04000R 220-32-05100U	NEW-E NEW-E	83-04-053 83-05-008
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140-08-060	NEW-P	83-02-053	173-415-020	AMD-P	83-03-070	220-32-05700P	REP-E	83-04-053
140-08-070	NEW-P	83-02-053	173-415-030	AMD-P	83-03-070	220-32-05700Q	NEW-E	83-04-053
140-08-080 140-08-090	NEW-P NEW-P	83-02-053 83-02-053	173-415-050 173-415-070	AMD-P AMD-P	83-03-070 83-03-070	220-44-04000A 220-44-04000B	REP-E REP-E	83–03–007 83–03–007
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140-08-110	NEW-P	83-02-053	173-415-090	REP-P	83-03-070	220-48-015	AMD	83-04-025
140-12-010 140-12-020	NEW-P NEW-P	83-02-054 83-02-054	174–136–015 174–136–016	AMD AMD	83–05–034 83–05–034	220-49-020 220-49-02000L	AMD REP-E	83-04-025 83-04-036
140-12-030	NEW-P	83-02-054	174-136-018	AMD	83-05-034	220-49-02000E 220-49-02000M	NEW-E	83-04-036

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-49-056	AMD	83-04-025	232-32-145	NEW-E	83-03-048	275-56-030	NEW-P	83-03-065
220-52-050	AMD	83-04-025	232-32-146	NEW-E	83-03-049	275-56-030	NEW-E	83-03-066
220-52-073	AMD	83-04-025	232-32-147	NEW-E	83-03-057	275-56-035	NEW-P	83-03-065
220-52-074 220-56-116	AMD AMD–P	83-04-025 83-03-071	232–32–148 232–32–149	NEW-E	83-04-024	275-56-035	NEW-E	83-03-066
220-56-145	AMD-P	83-03-071	248-18-180	NEW-E AMD-P	83–05–026 83–04–059	275–56–040 275–56–040	NEW-P NEW-E	83–03–065 83–03–066
220-56-180	AMD-P	83-03-071	248-18-685	AMD-P	83-04-059	275-56-050	NEW-P	83-03-065
220-56-190	AMD-P	83-03-071	248-18-718	AMD	83-03-026	275-56-050	NEW-E	83-03-066
220-56-191	NEW-P	83-03-071	248-21-035	AMD-P	83-03-042	275-56-055	NEW-P	83-03-065
220-56-195	AMD-P	83-03-071	248-29-020	AMD-P	83-03-043	275-56-055	NEW-E	83-03-066
220-56-196 220-56-198	NEW-P NEW-P	83-03-071 83-03-071	248-29-050 248-990-990	AMD-P AMD	83–03–044 83–04–011	275-56-060 275-56-060	NEW-P	83-03-065
220-56-235	AMD-P	83-03-071	251-04-020	AMD-E	83–04–011 83–04–016	275-56-065	NEW-E NEW-P	83–03–066 83–03–065
220-56-250	AMD-P	83-03-071	251-04-020	AMD-P	83-04-065	275-56-065	NEW-E	83-03-066
220-56-261	NEW-P	83-03-071	251-04-020	AMD-C	83-04-066	275-56-070	NEW-P	83-03-065
220-56-285	AMD-P	83-03-071	251-08-100	AMD-P	83-04-065	275-56-070	NEW-E	83-03-066
220-56-300 220-56-310	REP-P AMD	83–03–071 83–04–027	251-18-380	REP-P	83-04-065	275-56-075	NEW-P	83-03-065
220–56–350	AMD-P	83-03-071	251-18-381 251-22-040	NEW-P AMD-P	83–04–065 83–04–065	275–56–075 275–56–080	NEW-E NEW-P	83–03–066 83–03–065
220-56-360	AMD-P	83-03-071	251-22-060	AMD-P	83-04-065	275-56-080	NEW-F	83-03-066
220-56-360	AMD	83-04-026	251-22-200	AMD-P	83-04-065	275-56-085	NEW-P	83-03-065
220-56-36000F	NEW-E	83-05-011	260-32-360	AMD-P	83-05-027	275-56-085	NEW-E	83-03-066
220-56-372	AMD-P	83-03-071	275-25-010	AMD	83-03-011	275-56-090	NEW-P	83-03-065
220–56–390 220–57–130	AMD-P AMD-P	83–03–071 83–03–071	275-25-020 275-25-030	AMD AMD	83–03–011 83–03–011	275–56–090	NEW-E	83-03-066
220-57-135	AMD-P	83-03-071	275-25-340	AMD	83-03-011	275–56–095 275–56–095	NEW-P NEW-E	83–03–065 83–03–066
220-57-138	AMD-P	83-03-071	275-25-530	AMD	83-03-011	275-56-100	NEW-P	83-03-065
220-57-140	AMD-P	83-03-071	275-25-700	REP	83-03-011	275-56-100	NEW-E	83-03-066
220-57-155	AMD-P	83-03-071	275-25-710	REP	83-03-011	275-56-105	NEW-P	83-03-065
220–57–160 220–57–175	AMD-P AMD-P	83–03–071 83–03–071	275-25-720	REP REP	83-03-011	275-56-105	NEW-E	83-03-066
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220-57-215	AMD-P	83-03-071	275-25-750	REP	83-03-011	275-56-115	NEW-P	83-03-065
220-57-220	AMD-P	83-03-071	275-25-760	REP	83-03-011	275-56-115	NEW-E	83-03-066
220-57-230	AMD-P	83-03-071	275-25-770	REP	83-03-011	275-56-120	NEW-P	83-03-065
220–57–235 220–57–260	AMD-P AMD-P	83–03–071 83–03–071	275-25-810	AMD	83-03-011	275-56-120	NEW-E	83-03-066
220-57-270	AMD-P	83–03–071 83–03–071	275–25–820 275–25–830	REP REP	83-03-011 83-03-011	275–56–125 275–56–125	NEW-P NEW-E	83–03–065 83–03–066
220-57-280	AMD-P	83-03-071	275-25-840	AMD	83-03-011	275-56-130	NEW-E	83–03–066 83–03–065
220-57-285	AMD-P	83-03-071	275-26-005	NEW	83-05-017	275-56-130	NEW-E	83-03-066
220-57-290	AMD-P	83-03-071	275-26-010	NEW	83-05-017	275-56-135	NEW-P	83-03-065
220–57–300 220–57–315	AMD-P AMD-P	83-03-071	275-26-012	NEW	83-05-017	275-56-135	NEW-E	83-03-066
220-57-319	AMD-P	83-03-071 83-03-071	275–26–015 275–26–020	NEW NEW	83–05–017 83–05–017	275–56–140 275–56–140	NEW-P NEW-E	83-03-065
220-57-320	REP-P	83-03-071	275-26-022	NEW	83-05-017	275-56-145	NEW-P	83–03–066 83–03–065
220-57-327	NEW-P	83-03-071	275-26-025	NEW	83-05-017	275-56-145	NEW-E	83-03-066
220-57-330	AMD-P	83-03-071	275–26–030	NEW	83-05-017	275-56-150	NEW-P	83-03-065
220-57-340 220-57-350	AMD–P AMD–P	83-03-071	275–26–032	NEW	83-05-017	275-56-150	NEW-E	83-03-066
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220-57-460	AMD-P	83-03-071	275-26-065	NEW	83-05-017	275-56-160	NEW-E	83-03-066
220-57-485	AMD-P	83-03-071	275–26–070	NEW	83-05-017	275-56-165	NEW-P	83-03-065
220-57-495 220-57-515	AMD-P	83-03-071	275-26-075	NEW	83-05-017	275–56–165	NEW-E	83-03-066
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220-57-525	AMD-P	83-03-071	275-26-090	NEW	83-05-017	275-56-175	NEW-E	83-03-065
220-57A-012	AMD-P	83-03-071	275-26-095	NEW	83-05-017	275-56-175	NEW-E	83-03-066
220-57A-015	AMD-P	83-03-071	275–26–097	NEW	83-05-017	275-56-180	NEW-P	83-03-065
220–57A–040	AMD-P	83-03-071	275-26-500	NEW	83-05-017	275-56-180	NEW-E	83-03-066
220-57A-070 220-57A-082	AMD–P AMD–P	83–03–071 83–03–071	275–26–520 275–26–530	NEW NEW	83-05-017 83-05-017	275-56-185	NEW-P	83-03-065
220-57A-085	AMD-P	83-03-071	275-26-540	NEW	83-05-017	275–56–185 275–56–190	NEW-E NEW-P	83-03-066 83-03-065
220-57A-105	AMD-P	83-03-071		NEW	83-05-017	275-56-190	NEW-E	83-03-066
220-57A-112	AMD-P	83-03-071	275-26-560	NEW	83-05-017	275-56-195	NEW-P	83-03-065
220-57A-120	AMD-P	83-03-071	275-26-570	NEW	83-05-017	275-56-195	NEW-E	83-03-066
220-57A-152 220-57A-165	AMD-P AMD-P	83–03–071 83–03–071	275–55–293 275–56–005	AMD NEW-P	83-03-010 83-03-065	275-56-200	NEW-P	83-03-065
220-57A-180	AMD-P	83-03-071	275-56-005	NEW-P	83-03-065 83-03-066	275–56–200 275–56–205	NEW-E NEW-P	83–03–066 83–03–065
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232-28-60503	NEW-E	83-04-039	275-56-025	NEW-E	83-03-066	275-56-225	NEW-P	83-03-065
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275-56-225 NEW-E 81-01-066 275-56-415 NEW-P 81-01-066 296-34-2557 AMD-P 81-05-024 275-56-210 NEW-P 81-01-065 275-56-420 NEW-P 81-	WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-56-230 NEW-E 83-03-066 275-56-420 NEW-E 83-03-065 296-24-24517 AMD-P 83-05-042 275-56-230 NEW-E 83-03-066 275-56-420 NEW-E 83-03-066 275-56-421 NEW-E 83-03-066 275-56-421 NEW-E 83-03-066 275-56-421 NEW-E 83-03-066 275-56-420 NEW-E 83-03-066 275-56-430 NEW-E 83-03-066 275-56-440 NEW-P 83-03-066 275-56-440 NEW-P 83-03-066 275-56-430 NEW-E 83-03-066 275-56-440 NEW-P 83-03-065 275-56-400 NEW-P 83-03-066 275-87-000 NEP-P 83	275-56-225								
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-52-500	AMD-P	83-03-045	332-12-310	AMD-C	83-05-004	388-54-630	AMD-P	83-04-043
308-52-502	NEW-P	83-03-045	332–30–142	AMD	83-02-055	388-54-640	AMD-E	83-04-042
308-52-504 308-52-520	AMD-P REP-P	83–03–045 83–03–045	332–44–100 332–44–110	NEW-E NEW-E	83–03–029 83–03–029	388-54-640 388-54-645	AMD-P AMD-E	83–04–043 83–04–042
308-52-550	REP-P	83-03-045	352-12-010	AMD-P	83-02-057	388-54-645	AMD-E	83-04-042 83-04-043
308-52-560	REP-P	83-03-045	352-12-020	REP-W	83-02-058	388-54-650	AMD-E	83-04-042
308-95-010	NEW-P	83-04-068	352-12-030	REP-W	83-02-058	388-54-650	AMD-P	83-04-043
308-95-020 308-95-030	NEW-P NEW-P	83–04–068 83–04–068	352-12-040 352-12-050	REP-W REP-W	83-02-058 83-02-058	388-54-655 388-54-655	AMD-E	83-04-042 83-04-043
308-96A-400	NEW-P	83-05-055	352-32-030	AMD-P	83-04-073	388-54-665	AMD-P AMD-E	83-04-043 83-04-042
308-116-295	AMD-P	83-02-062	352-32-037	AMD-P	83-04-073	388-54-665	AMD-P	83-04-043
308-116-295	AMD	83-05-033	352-32-045	AMD-P	83-04-073	388-54-670	AMD	83-03-015
308-120-345 308-151-080	NEW AMD-P	83-04-051 83-04-029	352–32–250 356–06–080	AMD-P AMD-C	83–04–073 83–05–047	388-54-670 388-54-670	AMD-E AMD-P	83-04-042 83-04-043
308-151-100	AMD-P	83-04-029	356-14-085	AMD-C	83-03-035	388-54-675	AMD-F AMD-E	83-04-043 83-04-042
314-12-125	NEW-P	83-03-012	356-15-130	AMD-P	83-04-035	388-54-675	AMD-P	83-04-043
314-16-120	AMD-P	83-03-013	356-26-020	AMD-C	83-05-047	388-54-687	AMD-E	83-04-042
314-37-010 314-52-110	NEW AMD-P	83-04-017 83-03-013	356–26–100 356–30–190	AMD-P AMD-C	83-04-035 83-05-047	388-54-687 388-54-695	AMD-P AMD-E	83-04-043 83-04-042
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315-04-090	AMD-E	83-03-041	356-30-210	AMD-C	83-05-047	388-54-715	AMD-E	83-04-042
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315-11-051	NEW-E	83-05-031	388-37-010	AMD-P	83-05-002	388-72-120	REP-P	83-05-003
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315–12–010 315–12–020	NEW-C NEW-C	83–05–028 83–05–028	388-37-050 388-37-060	AMD–P AMD–P	83–05–002 83–05–002	388-72-175 388-72-180	REP-P REP-P	83–05–003 83–05–003
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315-12-050 315-12-060	NEW-C NEW-C	83-05-028 83-05-028	388-44-025 388-44-035	NEW AMD	83-05-046 83-05-046	388-72-207 388-72-210	REP–P REP–P	83-05-003
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315-12-100 315-12-100	NEW-C NEW-P	83-05-028 83-05-054	388-44-127 388-44-130	AMD AMD	83–05–046 83–05–046	388-72-230 388-72-235	REP–P REP–P	83-05-003 83-05-003
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388-72-275	REP-P	83-05-003	388-96-225	AMD	83-05-007	392-171-761	AMD-P	83-04-072
388-72-280	REP-P	83-05-003	388-96-227	AMD	83-05-007	392-171-766	AMD-P	83-04-072
388-72-285	REP-P	83-05-003	388-96-539	AMD	83-05-007	392-171-771	AMD-P	83-04-072
388-72-300 388-72-305	REP-P REP-P	83-05-003 83-05-003	388-96-553 388-96-554	AMD NEW	83-05-007 83-05-007	392-171-776 392-171-781	AMD-P AMD-P	83-04-072 83-04-072
388-72-310	REP-P	83-05-003	388-96-573	AMD	83-05-007	419-28-060	NEW	83-05-022
388-72-315	REP-P	83-05-003	388-99-060	AMD	83-03-016	419-44-010	NEW	83-05-022
388-72-350	REP-P	83-05-003	388-320-220	AMD	83-03-021	419-44-020	NEW-W	83-05-021
388-72-355	REP-P REP-P	83-05-003	392-138	AMD-C	83-03-004	446-50-080	AMD	83-03-008
388-72-400 388-72-405	REP-P	83-05-003 83-05-003	392-163-005 392-163-100	REP-P NEW-P	83-04-054 83-04-054	458-20-100 458-20-101	AMD–P AMD–P	83-04-062 83-04-062
388-72-410	REP-P	83-05-003	392-163-105	NEW-P	83-04-054	458-20-102	AMD-P	83-04-063
388-72-415	REP-P	83-05-003	392-163-110	NEW-P	83-04-054	458-20-104	AMD-P	83-04-063
388-72-425	REP-P	83-05-003	392–163–115	NEW-P	83-04-054	458-20-106	AMD-P	83-04-063
388-72-435 388-72-445	REP-P REP-P	83-05-003 83-05-003	392–163–120 392–163–125	NEW-P NEW-P	83-04-054 83-04-054	458-20-107 458-20-108	AMD–P AMD–P	83-04-063 83-04-063
388-72-500	REP-P	83-05-003	392-163-123	NEW-P	83-04-054	458-20-112	AMD-P	83-04-063
388-72-505	REP-P	83-05-003	392-163-135	NEW-P	83-04-054	458-20-113	AMD-P	83-04-063
388-72-510	REP-P	83-05-003	392–163–140	NEW-P	83-04-054	458-20-114	AMD-P	83-04-062
388-72-515	REP-P	83-05-003	392-163-142	NEW-P	83-04-054	458-20-116	AMD-P	83-04-063
388-72-520 388-72-550	REP-P REP-P	83-05-003 83-05-003	392-163-145 392-163-170	NEW-P NEW-P	83–04–054 83–04–054	458-20-118 458-20-121	AMD–P AMD–P	83-04-063 83-04-063
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388-72-605 388-72-610	REP-P REP-P	83-05-003 83-05-003	392-163-220 392-163-225	NEW-P NEW-P	83-04-054 83-04-054	458-20-134 458-20-135	AMD-P AMD-P	83-04-062 83-04-063
388-72-615	REP-P	83-05-003	392-163-223	NEW-P	83-04-054	458-20-136	AMD-P	83-04-062
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388-72-630 388-72-635	REP-P REP-P	83-05-003 83-05-003	392–163–245 392–163–250	NEW-P NEW-P	83-04-054 83-04-054	458-20-141 458-20-142	AMD-P AMD-P	83–04–063 83–04–063
388-73-014	AMD	83-02-060	392-163-255	NEW-P	83-04-054	458-20-143	AMD-P	83-04-063
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388-73-042 388-73-050	AMD AMD	83-02-060 83-02-060	392–163–310 392–163–315	NEW-P	83-04-054 83-04-054	458-20-150 458-20-151	AMD-P AMD-P	83-04-063 83-04-062
388-73-058	AMD	83-02-060	392-163-320	NEW-P	83-04-054	458-20-153	AMD-P	83-04-064
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388-73-068 388-73-076	AMD AMD	83-02-060 83-02-060	392–163–330 392–163–335	NEW-P NEW-P	83-04-054 83-04-054	458–20–161 458–20–162	AMD-P AMD-P	83-04-064 83-04-064
388-73-102	AMD	83-02-060	392–163–340	NEW-P	83-04-054	458-20-163	AMD-P	83-04-064
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388-73-108	AMD	83-02-060	392-163-350	NEW-P	83-04-054	458-20-166	AMD-P	83-04-064
388-73-118 388-73-132	AMD AMD	83-02-060 83-02-060	392–163–355 392–163–360	NEW-P NEW-P	83-04-054 83-04-054	458-20-167 458-20-168	AMD-P AMD-P	83-04-062 83-04-064
388-73-134	AMD	83-02-060	392-163-365	NEW-P	83-04-054	458-20-169	AMD-P	83-04-064
388-73-136	AMD	83-02-060	392-163-370	NEW-P	83-04-054	458-20-170	AMD-P	83-04-064
388-73-140	AMD	83-02-060	392-163-375	NEW-P	83-04-054	458-20-171	AMD-P	83-04-064
388-73-142 388-73-144	AMD AMD	83-02-060 83-02-060	392–163–385 392–163–390	NEW-P NEW-P	83-04-054 83-04-054	458-20-172 458-20-173	AMD-P AMD-P	83-04-064 83-04-064
388-73-146	AMD	83-02-060	392-163-400	NEW-P	83-04-054	458-20-174	AMD-P	83-04-064
388-73-304	AMD	83-02-060	392-163-405	NEW-P	83-04-054	458-20-175	AMD-P	83-04-064
388-73-310	AMD	83-02-060	392-163-410	NEW-P	83-04-054	458-20-176	AMD-P	83-04-064
388-73-504	AMD	83-02-060	392–163–415	NEW-P	83-04-054	458-20-177	AMD-P	83-05-048
388-73-604 388-73-708	AMD AMD	83–02–060 83–02–060	392-163-420 392-163-425	NEW-P NEW-P	83-04-054 83-04-054	458-20-178 458-20-180	AMD-P AMD-P	83-04-064 83-04-064
388-73-714	AMD	83-02-060	392-163-429	NEW-P	83-04-054	458-20-181	AMD-P	83-04-064
388-83-200	NEW-P	83-05-042	392-163-440	NEW-P	83-04-054	458-20-184	AMD-P	83-04-064
388-83-200	NEW-E	83-05-043	392-163-445	NEW-P	83-04-054	458-20-185	AMD-P	83-04-062
388-86-050	AMD-E	83-02-046	392–163–450	NEW-P	83-04-054	458-20-186	AMD-P	83-04-062
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388-87-070	AMD	83-03-016	392-171-386	AMD-P	83-04-072	458-20-191	AMD-P	83-04-064
388-87-070	AMD-P	83-05-040	392-171-401	AMD-P	83-04-072	458-20-193A	AMD-P	83-04-064
388-87-070 388-96-113	AMD-E AMD	83–05–041 83–05–007	392-171-631 392-171-661	AMD-P AMD-P	83-04-072 83-04-072	458-20-193B 458-20-193C	AMD-P AMD-P	83-04-064 83-04-064
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458-20-195	AMD-P	83-05-048	460-90-300	REP-P	83-03-056
458-20-196	AMD-P	83-04-062	460-90-310	REP-P	83-03-056
458-20-198 458-20-199	AMD-P AMD-P	83-04-062 83-04-062	460–90–320 460–90–330	REP-P REP-P	83-03-056
458-20-201	AMD-P	83-05-048	460-90-400	REP-P	83–03–056 83–03–056
458-20-206	AMD-P	83-05-048	460-90-410	REP-P	83-03-056
458-20-209	AMD-P	83-05-048	460-90-420	REP-P	83-03-056
458-20-210 458-20-211	AMD-P AMD-P	83–05–048 83–05–048	460–90–430 460–90–440	REP-P REP-P	83-03-056
458-20-214	AMD-P	83-05-048	460-90-450	REP-P	83–03–056 83–03–056
458-20-215	AMD-P	83-05-048	460-90-460	REP-P	83-03-056
458-20-218	AMD-P	83-05-048	460-90-470	REP-P	83-03-056
458-20-219 458-20-221	AMD-P AMD-P	83-05-048 83-05-048	460–90–480 460–90–490	REP-P REP-P	83–03–056 83–03–056
458-20-222	AMD-P	83-05-048	460-90-500	REP-P	83-03-056
458-20-223	AMD-P	83-05-048	460-90-510	REP-P	83-03-056
458-20-224 458-20-226	AMD-P AMD-P	83–04–062 83–05–048	460–90–900 460–90A–010	REP-P	83-03-056
458-20-227	AMD-P	83-05-048	460-90A-010 460-90A-020	NEW-P NEW-P	83–03–056 83–03–056
458-20-229	AMD-P	83-05-048	460–90A–030	NEW-P	83-03-056
458-20-231	AMD-P	83-05-048	460-90A-040	NEW-P	83-03-056
458-20-232 458-20-234	AMD-P AMD-P	83–05–048 83–05–048	460–90A–050 460–90A–060	NEW-P NEW-P	83-03-056
458-20-235	AMD-P	83-04-062	460-90A-070	NEW-P	83–03–056 83–03–056
458-20-236	AMD-P	83-05-048	460-90A-080	NEW-P	83-03-056
458–20–238 458–20–239	AMD-P AMD-P	83–05–048 83–05–048	460-90A-090	NEW-P	83-03-056
458-20-240	AMD-P	83-05-048	460–90A–100 460–90A–105	NEW-P NEW-P	83–03–056 83–03–056
458-20-241	AMD-P	83-05-048	460-90A-110	NEW-P	83-03-056
458-20-242A	AMD-P	83-05-048	460-90A-120	NEW-P	83-03-056
458-20-243 458-40-19101	AMD-P AMD-P	83–05–048 83–02–056	460-90A-130 460-90A-140	NEW-P NEW-P	83-03-056 83-03-056
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